

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF OCTOBER 5, 2007

(Published October 13, 2007, in Finance and Commerce)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

October 5, 2007 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Lilligren assumed the Chair.

Johnson moved to amend the agenda by adding a resolution recognizing the impressive service of Navy Divers during recovery efforts stemming from the collapse of the I-35W Bridge. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted upon a voice vote 10/5/2007.

President Johnson resumed the Chair.

Lilligren moved acceptance of the minutes of the regular meeting of September 21, 2007 and the adjourned session held September 24, 2007. Seconded.

Adopted upon a voice vote 10/5/2007.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 10/5/2007.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

COORDINATOR (272335)

Community Engagement: Three-track Work Plan Update; Track 2 Task Force Report; Updated Work Plan.

COMMITTEE OF THE WHOLE (See Rep):

COMMUNICATIONS (272336)

City Logo: Process to re-brand Minneapolis City government.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272305)

Land Sale (2015 & 2019 Jackson St NE): Jackson Square Properties NE LLC.

Children's Health Care, dba Children's Hospitals & Clinics of MN: Preliminary & final approval to issue bonds as joint issue with St Paul Housing & Redevelopment Authority.

Hennepin County 2007 Transit-Oriented Development Program Grant Awards: Cooperative Agreements with Hennepin County & Hennepin County Housing & Redevelopment Authority for eight awards.

Heritage Housing, LLC: Fourth Amendment to Heritage Park Redevelopment Project, Phases 1 & 2.

Home Ownership Program: Agreement with Greater Metropolitan Housing Corporation & Hennepin County Sentence to Service Program to construct new homes; Authorizing acquisition of 3233-22nd Ave S, 2640-14th Ave S & 3518-4th St N.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272306)

Midwest Mountaineering, Inc (re 1813-3rd St S): One year renewal of lease for northwest corner of Outlot A.

2007 Affordable Ownership Housing Development Program: Approval of development projects to receive funding.

COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272307)

Hennepin County Hiawatha-Minnehaha Community Works Project: Approve as a Multi-Jurisdictional Reinvestment Program in the City & consent to Hennepin County Housing & Redevelopment Authority undertaking program activities in the City.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272308)

Land Sale (1701 Central Ave NE): To Wadi Investments LLC.

2525 James Ave N: Bid OP No. 6849 of Merit Building Company, Inc for new home construction.

American Indian Neighborhood Development Corporation: Restructure of a 1981 Urban Development Action Grant loan.

HEALTH AND FAMILY SUPPORT SERVICES (272309)

Child Care Loan Renovation Program: Assignment of loans from program administered by the Greater Mpls Day Care Association to the City.

HEALTH AND HUMAN SERVICES:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272310)

2006 Adult and Youth Vendor Awards.

REGULATORY SERVICES (272311)

Local Produce Markets: Report on development of policies allowing for easier permitting of farm stands with fewer than five vendors.

HEALTH AND HUMAN SERVICES (See Rep):

COORDINATOR (272312)

Minneapolis Sustainability Indicators and Targets: Amend indicators relating to HIV; and Approve changes to numerical targets.

HEALTH AND FAMILY SUPPORT SERVICES (272313)

Steps to a Healthier Minneapolis Program: Contract with Minnesota Department of Health to fund a one-day training workshop for two research tested, school based programs.

REGULATORY SERVICES (272314)

Lead Hazard/Temporary Housing: Grant application seeking funding from the Minnesota Department of Health to support lead safe temporary housing to residents displaced during lead hazard reduction activities.

Lead Hazard Reduction: Agreement with Hennepin County to accept funds for lead hazard reduction in dwelling units within the City targeted toward the Phillips and Central Neighborhoods.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (272315)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (272316)

Witt's Liquor (19 S 7th St): Grant Off-Sale Liquor License, with conditions.

Sound Bar (414 3rd Av N): Grant On-Sale Liquor Class A with Sunday Sales and Sidewalk Cafe Licenses, with conditions.

Taxicab Vehicle Licenses: Grant 45 new licenses.

POLICE DEPARTMENT (272317)

Facsimile Firearms: Ordinance defining the term "facsimile firearm" and regulating the carrying and possession of facsimile firearms in public.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (272318)

Donation to Fire Department: Accept donation of a house and structures located at 4236 Linden Hills Blvd for temporary use by the Fire Department; and Execute Property Donation and Indemnity Agreement.

POLICE DEPARTMENT (272319)

Forensic Scientists: Joint Powers Agreement with Bureau of Criminal Apprehension for two DNA analysts to work on Police Department cases.

Buffer Zone Homeland Security Initiative: Accept grant and execute agreement with State to purchase tactical equipment for homeland security initiatives.

Police Motorcycles: Agreement with Fairbault Harley-Davidson to provide six police equipped motorcycles for Patrol Division.

REGULATORY SERVICES (272320)

Port Security Grant Program: Accept grant and execute agreement with United States Department of Homeland Security to fund creation of a Closed Circuit Television System throughout the Mississippi River Corridor.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (272321)

Maryland Apartments Parking Policy: Deleted from agenda.

Reservoir Connection to Pump Station No 5: Deleted from agenda.

OP 6855, Magney Construction, Inc. for suction header improvements: Deleted from agenda.

27th Av S Project No 6217: Modifications to Streetscape.

50th St W and France Av S Parking Facility: Set assessment public hearing to consider assessments.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (272322)

Sidewalk Repair and Construction: Adopt Assessments; Comments.

I-35W Bridge Project Review: Approve project review package for reconstruction of I-35W Bridge over Mississippi; MnDOT correspondence; Gov Pawlenty correspondence.

New Nicollet Mall (Washington Av S to 11th St S): Adopt assessment roll.
Anoka County Highway Agreement: Construction of turn lanes into Water Works Facility.
W 54th Street Reconstruction Project (Upton Av S to Penn Av S): Layout.
Elliot Av at E Lake St cul-de-sac project: Acquire street easements.
LynLake Municipal Parking Lot: Establish 2008 assessments and set public hearing.
Lyndale Av S Project (Minnehaha Pkwy W to 31st St W): Layout; Comments.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (272323)

Communications Site Lease: Agreement with Minneapolis Public Housing Authority at 3110 Blaisdell Av S.

EPA Grant: Accept funds for pollution remediation in Bassett Creek Valley area.

Citywide Pedestrian Master Plan: Contract with consultant firm of T.Y. Lin International.

Non-Motorized Transportation Pilot Program (NTP): Accept grant awards.

Organic Materials Composting: Approve pilot program.

Bids: a) OP 6852, Landwehr Construction, Inc., for Fridley Demolition Project; and b) OP 6859, Twell Environmental, Inc., for hazardous materials abatement at Fire Station No 21.

WAYS AND MEANS BUDGET:

ATTORNEY (272324)

Labor Peace Policy: Financial participant in economic development.

HUMAN RESOURCES (272325)

Metropass: Decrease in employee pre-tax contributions.

POLICE DEPARTMENT (272326)

September 2007 Budget Status Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (272327)

Council on Crime and Justice: Extend contract to provide victim/witness services.

BUSINESS INFORMATION SERVICES (BIS) (272328)

Systems & Software, Inc. Contract: Amend contract C98-12701 to upgrade the Finance Utility Billing and Customer Information software.

Hennepin County Fiber Connectivity: Execution of Memorandum of Understanding (MOU).

FINANCE DEPARTMENT (272329)

Federal Emergency Management Agency (FEMA): Sub-grant agreement for the Public Assistance Infrastructure Program.

HUMAN RESOURCES (272330)

CIGNA: Execution of contract for life and long-term disability insurance benefits.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (272331)

Appeal:

Children's Hospitals and Clinics (724 26th St E): Re decision of the Heritage Preservation Commission re wrecking permit for the former Olivet Methodist Church, a potential historic resource, as part of an overall campus expansion project for Children's Hospitals and Clinics [See also Planning Commission actions re project].

INSPECTIONS/BOARD OF ADJUSTMENT (272332)

Appeals:

Joel Conner (2220 Cedar Lake Pkwy): Re decision of the Board of Adjustment re variance to allow patio and fountain.

Andrew Wattenhofer (526 8th Ave NE, 528 8th Ave NE): Re decision of the Board of Adjustment re variances for a proposed two-car garage, living space and driveway.

PLANNING COMMISSION/DEPARTMENT (272333)

Vacations:

Metropolitan Council (8th Ave N between Lyndale Ave N (I-94) and 7th St N adjacent to 635 8th Ave N): Vacate a street, subject to easements.

Metropolitan Council (public alley adjacent to 635 8th Ave N): Vacate an alley, subject to easements.

PLANNING COMMISSION/DEPARTMENT (272334)

Vacations:

Seward Co-op Grocery & Deli (2801-23 Franklin Ave E and 2012-2016 29th Ave S): Vacate east-west alley, subject to easement.

Children's Hospitals & Clinics - Hospital Expansion (2525-2545 Chicago Ave, 2501-2525 Elliot Ave, 2502-2516 10th Ave S, 915 25th St E, 2508-2550 Chicago Ave, 2515-2543 Columbus Ave and 720-724 26th St E): Vacate an alley on block west of Chicago Ave between 25th and 26th St E (#1525) and vacate City of Minneapolis easement in vacated Elliot Ave between 25th and 26th St E (#1526).

Rezoning:

Seward Co-op Grocery & Deli (2801-23 Franklin Ave E and 2012-2016 29th Ave S): Re property located at 2012 29th Ave S.

Children's Hospitals & Clinics - Hospital Expansion (same as above): Re properties at 2508-2550 Chicago Ave, 2515-2543 Columbus Ave and 720-724 26th St E [See also Heritage Preservation Commission action re project].

FILED:

PUBLIC WORKS AND ENGINEERING (272337)

Snow and Ice Removal Assessment: Late objection letter rec'd after final Council action from David Stone regarding 1620 57th St E (See 9/21/07, Petn No 272284).

XCELENERGY (272338)

Utility Pole Installation at 2221 University Av SE.

The following reports were signed by Mayor Rybak on October 9, 2007. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following report:

Comm of the Whole - Your Committee recommends approval of the process for the Communications Department to research and develop a new brand identity for Minneapolis City government, as set forth in the Department of Communications staff report.

Adopted 10/5/2007.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 2015 and 2019 Jackson St NE to Jackson Square Properties NE LLC for \$15,000.

Adopted 10/5/2007.

Resolution 2007R-487, authorizing sale of land Tax Forfeiture Program Disposition Parcels No TF-297 & VH-4 at 2015 and 2019 Jackson St NE, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-487
By Goodman

Authorizing sale of land Tax Forfeiture Program Disposition Parcels No TF-297 & VH-4 at 2015 and 2019 Jackson Street Northeast.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcels TF-297 & VH-4, in the Holland neighborhood, from Jackson Square Properties NE LLC, hereinafter known as the Redeveloper, the Parcels TF-297 & VH-4, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-297; 2015 Jackson Street NE: The North Half and the North 5 feet of the South Half of Lot 11, Block 21, Wilson's Rearrangement of Block 2, 3, 6, 7, 9, 10, 11, 14, 15, 19, 20, 21, 24, 26, 29, 31, 33, 35, 37, 39 and 41 of East Side Addition to Minneapolis. Being registered property as is evidenced by Certificate of Title No. 1142815;

LEGAL DESCRIPTION of VH-4; 2019 Jackson Street NE: Lot 12, Block 21, Wilson's Rearrangement of Block 2, 3, 6, 7, 9, 10, 11, 14, 15, 19, 20, 21, 24, 26, 29, 31, 33, 35, 37, 39 and 41 of East Side Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$15,000, for Parcels TF-297 & VH-4 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcels; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on September 14, 2007, a public hearing on the proposed sale was duly held on September 25, 2007, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Tax Forfeiture Program plan, as amended, is hereby estimated to be the sum of \$15,000 for Parcels TF-297 & VH-4 .

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcels in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 10/5/2007.

Comm Dev— Your Committee, having under consideration the issuance of revenue bonds with the St. Paul Housing and Redevelopment Authority (HRA) for the Children's Hospitals and Clinics of Minnesota, to finance the expansion and renovations on the Minneapolis and St. Paul campuses, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$105,000,000 in 501(c)(3) Tax-exempt Revenue Bonds as a joint issue with the St. Paul HRA.

Adopted 10/5/2007.

Resolution 2007R-488, authorizing the issuance and sale of revenue bonds of the City and the Housing and Redevelopment Authority of The City of Saint Paul on behalf of Children's Health Care, d/b/a Children's Hospitals and Clinics of Minnesota, and the execution of documents, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-488
By Goodman

Authorizing the issuance and sale of revenue bonds of the City and the Housing and Redevelopment Authority of The City of Saint Paul on behalf of Children's Health Care and the execution of documents.

Whereas, this Council has received a proposal from Children's Health Care, a Minnesota nonprofit corporation (the "Corporation"), that the City of Minneapolis (the "City"), acting jointly with the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "HRA," and together with the City, the "Issuer"), issue its revenue bonds (the "Bonds") under Minnesota Statutes, Sections 469.152 to 469.165 (the "Act"), in one or more series, for the purposes of financing or reimbursing to the Corporation a portion of the costs of (a) the acquisition, construction and equipping of certain improvements to Children's-Minneapolis, which is owned by the Corporation and consists of a hospital and other health care related facilities on a campus located at 2525 Chicago Avenue in the City of Minneapolis, including upgrading facilities to provide private patient rooms with full baths, retrofitting operating rooms to accommodate technology improvements, construction of a new neonatal intensive care unit and pediatric intensive care unit and relocation of the emergency department (the "Minneapolis Project"), (b) improvements to and remodeling of a portion of St. Paul-Children's, which is owned by the Corporation and consists of a hospital and other health care related facilities on a campus located at 345 North Smith Avenue in the City of St. Paul, and the acquisition and installation of equipment therein, including remodeling of the entrance, remodeling of operating rooms, an expansion of the emergency department, relocation of the pediatric epilepsy unit and provision of private patient rooms with private baths (the "St. Paul Project") and (c) certain costs of issuance of and capitalized interest, if any, on the Bonds; and

Whereas, at a public hearing, duly noticed and held on September 25, 2007, in accordance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended, on the proposal that the Issuer issue the Bonds to finance the Minneapolis Project and St. Paul Project, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to finance the Minneapolis Project and the St. Paul Project, and interested persons were given the opportunity to submit written comments to the City Clerk before the time of the hearing; and

Whereas, this Council hereby finds that the issuance and sale of up to \$105,000,000 aggregate principal amount of the Bonds in one or more series under the authority contained in the Act to finance the Minneapolis Project and the St. Paul Project would promote the purposes contemplated and described in Section 469.152 of the Act and further promote the public purposes and legislative objectives of the Act by providing the City and surrounding area with necessary healthcare facilities, is in the best interest of the City and the City hereby determines to issue and sell such Bonds; and

Whereas, in connection with the issuance of the Bonds the City and the HRA will enter into a Joint Powers Agreement (the "Joint Powers Agreement"), a draft of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary; and

Whereas, the proceeds of the Bonds will be lent (the "Loan") by the City and the HRA to the Corporation, in order to finance the Minneapolis Project and the St. Paul Project, to fund a debt service reserve fund for the Bonds if required in connection with the issuance and sale of the Bonds and to pay certain costs of issuance of and capitalized interest, if any, on the Bonds; and

Whereas, pursuant to a Loan Agreement (the "Loan Agreement"), to be entered into between the City, the HRA and the Corporation, a draft of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary, the Corporation will issue to the City and the HRA its Note or Notes (whether one or more, the "Notes"). The Notes will be issued under the Master Trust Indenture (the "Master Indenture"), dated as of September 1, 1995, between the Corporation and U.S. Bank National Association, formerly known as First Trust National Association, as trustee (the "Master Trustee"), as supplemented and amended by a Supplemental Indenture ("Supplemental Indenture") to be entered into between the Corporation and the Master Trustee. Under the Notes the Corporation, and other members of the Obligated Group under the Master Indenture, will unconditionally agree to repay the Loan made by the Issuer under the Loan Agreement in specified amounts and at specified times sufficient to make the necessary payments of principal of, premium, if any, and interest on the Bonds, when due. In addition, the Loan Agreement contains provisions relating to the payment by the Corporation of administrative costs of the Bond Trustee (as hereinafter defined), the administrative fees of the City and the HRA, indemnification, insurance and other agreements and covenants which are required by the Act or which are permitted by the Act and which the City and the HRA and the Corporation deem necessary or desirable for the sale of the Bonds; and

Whereas, pursuant to a Bond Trust Indenture (the "Bond Indenture") to be entered into between the City, the HRA and a trustee to be named (the "Bond Trustee"), a draft of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary, the Issuer assigns and pledges all of its right, title and interest in the Loan Agreement (other than the right of the Issuer for indemnification and administrative expenses), the Notes, the Master Indenture and the Supplemental Indenture to the Bond Trustee. In addition, the Bond Indenture, among other things, sets the interest rates, maturity dates and redemption provisions for the Bonds, establishes the various funds and accounts for the deposit and transfer of money and contains other provisions which are required by the Act or which are permitted by the Act and which the Issuer and the Corporation deem necessary or desirable in connection with the sale of the Bonds; and

Whereas, the Bonds will be special limited obligations of the Issuer payable solely from amounts payable by the Corporation and other members of the Obligated Group under the Master Indenture under the Notes, other than to the extent payable from the proceeds of the Bonds. The Bonds shall not be payable from or charged upon any funds other than the revenue pledged to the payment thereof, nor shall the City or the HRA be subject to any liability thereon. No holder or holders of any Bond shall ever have the right to compel any exercise of the taxing power of the Issuer to pay any such Bond or the interest thereon, nor to enforce payment thereof against any property of the Issuer except the Notes. The Bonds shall not constitute a debt of the Issuer within the meaning of any charter, constitutional or statutory limitation; and

Whereas, the Bonds will be purchased from the Issuer by Piper Jaffray & Co. (the "Underwriter") pursuant to a Purchase Contract (the "Bond Purchase Agreement") between the City, the HRA, the Corporation and the Underwriter, a copy of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary; and

Whereas, a draft of an Official Statement, related to the Bonds, has been made available to the Council prior to this meeting and has been reviewed to the extent deemed necessary. The Official Statement will be distributed by the Underwriter to potential purchasers of the Bonds;

Now, Therefore, Be It Resolved by The Council of The City of Minneapolis:

That in order to finance the Minneapolis Project and the St. Paul Project, the City hereby authorizes the issuance of the Bonds as revenue bonds under the Act in one or more series, in the aggregate principal amount of up to \$105,000,000 (exclusive of any portion representing original issue discount). The City Finance Officer is hereby authorized to approve the purchase price of the Bonds, provided that

the purchase price equals or exceeds 98% of the principal amount of the Bonds less any portion of such principal amount which represents original issue discount; the aggregate principal amount of the Bonds, provided that such principal amount is not in excess of \$105,000,000 (exclusive of any portion representing original issue discount); the maturity schedule of the Bonds, provided that the Bonds mature at any time or times in such amount or amounts not exceeding 40 years from the date of issuance thereof; the provisions for prepayment and redemption of the Bonds prior to their stated maturity; and the initial interest rates for any series of Bonds, provided that no initial interest rate exceeds 6.00% per annum. Such approval shall be conclusively evidenced by the execution of the Bond Purchase Agreement as provided herein. The issuance of the Bonds is subject to the approval by the Minnesota Department of Employment and Economic Development as required by the Act.

Be It Further Resolved that each Bond shall be executed on behalf of the City by the manual or facsimile signature of the City Finance Officer. The Bonds when executed and delivered shall contain a recital that they are issued pursuant to the Act. The Bond Trustee is hereby designated as authenticating agent pursuant to Minnesota Statutes, Section 475.55. If any officer who shall have signed any of the Bonds shall cease to be an officer of the City before the Bonds so signed shall have been actually authenticated by the Trustee or delivered by the City, such Bonds nevertheless may be authenticated, issued and delivered with the same force and effect as though the person who signed such Bonds had not ceased to be such officer of the City.

Be It Further Resolved that the Joint Powers Agreement, the Bond Indenture and the Loan Agreement are hereby made a part of this Resolution as fully as though set forth in full herein and are hereby approved in the form made available prior to this meeting, and the City Finance Officer is hereby authorized and directed to execute, acknowledge and deliver the Bond Indenture, the Loan Agreement and the Joint Powers Agreement on behalf of the City with such changes, insertions and omissions therein as do not change the substance of the Joint Powers Agreement, the Bond Indenture or the Loan Agreement and as may be approved by the City Finance Officer, such approval to be evidenced conclusively by his execution of the Joint Powers Agreement, the Bond Indenture and the Loan Agreement.

Be It Further Resolved that the City hereby consents to the distribution by the Underwriter of the Official Statement to potential purchasers or purchasers of the Bonds in substantially the form made available to the Council at this meeting. The City has not and will not participate in the preparation of the Official Statement and has made no independent investigation with respect to the information contained therein or in the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy or completeness of such information.

Be It Further Resolved that the Bond Purchase Agreement is hereby made a part of this Resolution as fully as though set forth in full herein and is hereby approved in the form made available prior to this meeting and, upon the determination of the terms of the Bonds (within the limitations set forth herein) and the execution of the Bond Purchase Agreement by the Corporation and the Underwriter, the City Finance Officer is hereby authorized and directed to execute the Bond Purchase Agreement on behalf of the City, with such further changes, insertions or omissions therein as do not change the substance of the Bond Purchase Agreement and as may be approved by the City Finance Officer, such approval to be evidenced conclusively by his execution of the Bond Purchase Agreement.

Be It Further Resolved that the Mayor, the City Clerk, the City Finance Officer and all other officers of the City are hereby authorized and directed to execute and deliver all other documents which may be required under the terms of the Joint Powers Agreement, the Bond Indenture, the Loan Agreement and the Bond Purchase Agreement, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof.

Be It Further Resolved that in the absence or disability of the Mayor, the City Clerk, the City Finance Officer or any other officer of the City named in any instrument to be executed on behalf of the City in connection with the issuance of the Bonds, the acting Mayor, Assistant City Clerk, Acting City Finance Officer or other officer may execute such instrument. The execution of any instrument by an officer of the City shall be conclusive evidence of its approval.

Be It Further Resolved that the City Finance Officer is hereby designated for all purposes of the Loan Agreement, the Bond Indenture and the Bond Purchase Agreement as the City official authorized to execute on behalf of the City certificates, requests or consents as provided in the Loan Agreement, the Bond Indenture and the Bond Purchase Agreement.

Be It Further Resolved that the bonds are hereby designated "Program Bonds" and are determined to be within the "Health Care Program" and the "Program", all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 10/5/2007.

Comm Dev - Your Committee recommends that the proper City officers be authorized to execute Cooperative Agreements with Hennepin County and the Hennepin County Housing and Redevelopment Authority for 2007 Hennepin County Transit Oriented Development Program (TOD) grant awards, as follows:

Applicant	Project	TOD \$ Award
Central Community Housing Trust	Franklin Portland Gateway	\$75,000
Currie Park Developments, LLC	Currie Park Lofts, Phase 1	\$370,000
Light Rail Properties I, LLC	Longfellow Station	\$100,000
MDI Limited Partnership	Minnehaha Avenue Apartments	\$200,000
Northeast Community Development Corporation	Jackson Street Artist Housing	\$100,000
Powderhorn Residents Group	Greenway Town Homes	\$50,000
Powderhorn Residents Group	Spirit on Lake Cooperative	\$75,000
Urban Homeworks, Inc.	The Jubilee	\$50,000

Adopted 10/5/2007.

Comm Dev - Your Committee, having under consideration the Heritage Park Project and the Community Planning & Economic Development staff recommendation to approve a Fourth Amendment to the Heritage Park Redevelopment Contract, Phases 1 and 2, with Heritage Housing, LLC, relating to shifting development of multi-family units to single-family units as outlined in the staff report, now recommends that the proper City officers be authorized to execute said amendment.

Adopted 10/5/2007.

Comm Dev - Your Committee recommends that the proper City officers be authorized to enter into an agreement to collaborate with Hennepin County, Greater Metropolitan Housing Corporation and Hennepin County Sentence to Service Program to construct new homes through the Home Ownership Program on sites conveyed to the City from Hennepin County Taxpayer Services, and to execute all necessary documents.

Your Committee further recommends that the Department of Community Planning & Economic Development be authorized to acquire properties at 3223 – 22nd Ave S, 2640 – 14th Ave S and 3518 – 4th St N from Hennepin County Taxpayer Services for \$1 each, for inclusion in the Home Ownership Program.

Adopted 10/5/2007.

Comm Dev - Your Committee recommends that the proper City officers be authorized to execute a one-year renewal of the lease between the City and Midwest Mountaineering, Inc for the northwest swath of land with approximate dimensions of 24 feet by 114 feet, named Outlot A, and located at 1813 - 3rd St S (PIN #25-029-24-23-0064).

Adopted 10/5/2007.

Comm Dev - Your Committee, having under consideration funding recommendations for the 2007 Affordable Ownership Housing Development Program, now recommends:

a) Approval of the following development projects to receive program funding, with a total funding commitment of \$1,690,000:

Up to \$60,000 for construction gap financing to the Van Cleve townhome project at Como and 13th Ave SE by Twin Cities Habitat for Humanity as a general partner or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan;

Up to \$455,000 for construction and/or affordability gap financing to The Lonoke Cooperative project at 1920-26 - 3rd Ave S by Plymouth Church Neighborhood Foundation as a general partner or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan;

Up to \$455,000 for construction and/or affordability gap financing to Jackson Street Northeast Artist condominium project at Jackson St and 18th Ave NE by Northeast CDC as a general partner or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan;

Up to \$360,000 for construction gap financing to the Heritage Park BrightKEYS condominium project at 843-849 8th Ave N, 901-907 Bryant Ave N, 710-726 Van White Memorial Blvd, by Twin Cities Habitat for Humanity as a general partner or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan;

Up to \$360,000 for construction and/or affordability gap financing to the Old Third Townhomes project at 929 - 3rd Ave NE by Twin Cities Habitat for Humanity and Central Community Housing Trust as a general partner or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan.

b) That the proper City officers be authorized to enter into related contractual agreements for said funds.

Adopted 10/5/2007.

The COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS Committees submitted the following report:

Comm Dev & T&PW - Your Committee recommends approval of the Hennepin County Hiawatha-Minnehaha Community Works Project as a Multi-Jurisdictional Reinvestment Program in the City of Minneapolis, and consent to the Hennepin County Housing and Redevelopment Authority undertaking program activities within the City.

Adopted 10/5/2007.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 1701 Central Ave NE to Wadi Investments LLC for \$25,000.

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department revenue budget by \$21,700.

Adopted 10/5/2007.

Resolution 2007R-489, authorizing sale of land Central Avenue Disposition Parcel No TF-445 at 1701 Central Ave NE, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2007R-489
By Goodman and Ostrow**

Authorizing sale of land Central Avenue Disposition Parcel No TF-445 at 1701 Central Avenue Northeast.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-445, in the Northeast Park neighborhood, from Wadi Investments

LLC, hereinafter known as the Redeveloper, the Parcel TF-445, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-445; 1701 Central Avenue NE: Lot 14, Block 4, "Harrison St. Supplement to East Side Addition to Minneapolis"; Being registered property as is evidenced by Certificate of Title No. 1142797; and

Whereas, the Redeveloper has offered to pay the sum of \$25,000, for Parcel TF-445 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the reuse value reviewed by an appraisal expert, stating that the reuse value opinion is consistent with the accepted methods in aiding the City in determining a reuse value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on September 14, 2007, a public hearing on the proposed sale was duly held on September 25, 2007, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the reuse value for uses in accordance with the Central Avenue plan, as amended, is hereby estimated to be the sum of \$25,000 for Parcel TF-445.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 10/5/2007.

RESOLUTION 2007R-490

By Goodman and Ostrow

Amending the 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the revenue sources for the Community Planning and Economic Development Agency in the Preliminary Planning Fund (CPPO-890-8490-3485) by \$3,000 and the CDBG-HOME-ESG-UDAG Fund (0400-890-8490-3845-VBPI) by \$18,700.

Adopted 10/5/2007.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low responsive bid submitted to the Department of Community Planning & Economic Development on OP No. 6849 from Merit Building Company, Inc, in the amount of \$204,804, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the new home construction at 2525 James Ave N.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 10/5/2007.

Comm Dev & W&M/Budget - Your Committee, having under consideration support of the ongoing work of the American Indian Neighborhood Development Corporation (AINDC), now recommends that the proper City officers be authorized to execute the following actions which will allow AINDC to leverage the strength of their Franklin Ave properties to support development activities in North Minneapolis:

a) Restructure a 1981 Urban Development Action Grant (UDAG) loan to the AINDC in the original amount of \$550,000, restructured 1993, to extend the term, reduce the interest rate and suspend interest accrual and payments for five years;

b) Subordinate loans AA940045 and BD00000022 to a Franklin Bank Line of Credit (the UDAG loan will not be subordinated and will remain in second position);

c) Amend loan documents removing the Franklin Business Center as security for City loan BD00000022 also secured by the Franklin Circles Shopping Center.

Adopted 10/5/2007.

Comm Dev & W&M/Budget - Your Committee, having under consideration transfer of the Child Care Loan Renovation Program from the Greater Minneapolis Day Care Association (GMDCA) to the Department of Health & Family Support, now recommends that the proper City officers be authorized to take the following actions:

a) Accept the assignment of the loans from the Community Development Block Grant funded Child Care Loan Renovation Program administered by the GMDCA to the City; and

b) Expend program income for renovation services already completed but not paid for by GMDCA, and for future support for the continuation of the program.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation in the Health and Family Support Agency in the CDBG & UDAG Funds by \$186,641.68 to reflect the receipt of funds.

Adopted 10/5/2007.

RESOLUTION 2007R-491

By Goodman and Ostrow

Amending the 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Health and Family Support Agency in the CDBG & UDAG Funds (0400-860-8605) by \$186,641.68 and increasing the revenue source by \$186,641.68.

Adopted 10/5/2007.

The HEALTH, ENERGY & ENVIRONMENT Committee submitted the following report:

HE&E - Your Committee, having under consideration Minneapolis' Sustainability Indicators and Targets, now recommends passage of the accompanying resolution amending Resolution 2005R-251 entitled "Adopting the Minneapolis Sustainability Indicators", passed April 29, 2005; and Approving revisions to Sustainability Targets for Lead and Permeable Surfaces.

Adopted 10/5/2007.

Resolution 2007R-492, amending Resolution 2005R-251 entitled "Adopting the Minneapolis Sustainability Indicators", passed April 29, 2005, and Approving revisions to Sustainability Targets for Lead and Permeable Surfaces, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-492

By Benson

Amending Resolution 2005R-251 entitled “Adopting the Minneapolis Sustainability Indicators”, passed April 29, 2005; and Approving revisions to Sustainability Targets for Lead and Permeable Surfaces.

Whereas, City Council Resolution 2003R-133 called for the creation of a Minneapolis sustainability Plan that “will embrace and enhance ongoing environmental initiatives and help coordinate the City’s planning, policymaking and budget processes in a more coherent whole, “and further specified that the Plan will help integrate the three Es – Environment, Economy and Equity (including social justice)” into city operations, and

Whereas, City Council Resolution 2005R-251 adopted Sustainability Indicators based on community involvement of over 100 city residents, city staff and community leaders; and

Whereas, on March 31, 2006 the City Council adopted numerical targets for most of the 24 Sustainability Indicators in order to provide transparency on progress towards our sustainability goals; and

Whereas, the City has released its 2006 Sustainability Report, 2007 Sustainability Report and 2007 Greenprint Report, and it is appropriate that there be an evaluation of the Sustainability Indicators and Targets; and

Whereas, City staff, the Citizens Environmental Advisory Committee and the Public Health Advisory Committee have recommended approval of the following changes to the Sustainability Indicators and Targets;

Now Therefore Be It Resolved by The City Council of The City of Minneapolis:

That Resolution 2005R-251 be amended by changing the Sustainability Indicator “AIDS and Gonorrhea rate” to read “HIV and Gonorrhea Rate.”, and that the accompanying numeric target be changed to “Reduce the rate of new HIV cases to 20.77 cases per 100,000 people by 2010”.

Be It Further Resolved that the following Sustainability Indicators, as adopted March 31, 2006, be amended as follows:

1. The Sustainability Indicator “Lead Testing” target be changed to “Increase the percentage of one and two year old children receiving blood lead testing to 100% by 2010 and increase the inspection rate of homes with elevated blood level children (10 ig/dl blood) to 100% by 2010”.

2. That the targets relating to Sustainability Indicator “Permeable Surfaces” be changed to read as follows:

a. By 2015, increase the number of Large Area Stormwater Amenities to 50. These are ponds, wetlands and rain gardens that treat large areas/many sources (“regional” facilities, generally public).

b. By 2015, increase the number of Large Area Underground Stormwater Treatment Chambers to 165. Also known as grit chambers, these devices treat large areas/many sources, generally public.

c. By 2015, increase the number of Small Area Underground Stormwater Treatment Chambers to 200. Also known as grit chambers, these devices treat small areas/single sources, generally private.

d. By 2015, increase the number of Green Roofs in the city to 150.

Adopted 10/5/2007.

The HEALTH, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit a grant application to the Minnesota Department of Health seeking \$25,000 to provide lead-safe temporary housing for low income residents displaced by lead hazard reduction activities, or to remove a family from their residence due to high risk lead levels, primarily in the Central, Phillips and Near North neighborhoods.

Adopted 10/5/2007.

OCTOBER 5, 2007

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with Hennepin County to accept \$1,200,000, as a sub-grantee, to provide funding for lead hazard reduction in dwelling units within the City of Minneapolis, primarily targeted toward the Phillips and Central neighborhoods. Further, passage of the accompanying resolution appropriating \$1,200,000

Adopted 10/5/2007.

**RESOLUTION 2007R-493
By Benson and Ostrow**

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Regulatory Services Agency in the Grants - Federal Fund (030-835-8392) by \$1,200,000 and increasing the Revenue Source (030-835-8392 - Source 3210) by \$1,200,000.

Adopted 10/5/2007.

HE&E & W&M/Budget - Your Committee, having under consideration the Steps to a Healthier Minneapolis Program, now recommends that the proper City officers be authorized to execute a contract with the Minnesota Department of Health to accept revenue in an estimated amount of \$12,000, to provide funds for a one-day training workshop for two research-tested, school-based programs aimed at improving students' eating habits. Further, passage of the accompanying resolution appropriating \$12,000 to the Department of Health & Family Support.

Adopted 10/5/2007.

**RESOLUTION 2007R-494
By Benson and Ostrow**

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8615) by \$12,000 and increasing the Revenue Source (030-860-8615 - Source 3210) by \$12,000.

Adopted 10/5/2007.

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 15, Chapter 393 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous: Weapons, defining the term "facsimile firearm" and regulating the carrying and possession of facsimile firearms in public, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 10/5/2007.

Ordinance 2007-Or-073 amending Title 15, Chapter 393 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous: Weapons, amending Sections 393.10, 393.20, 393.90 and 393.95 to define the term "facsimile firearm" and to regulate the carrying and possession of facsimile firearms in public, was adopted 10/5/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2007-Or-073
By Samuels
Intro & 1st Reading: 8/17/2007
Ref to: PS&RS
2nd Reading: 10/5/2007

Amending Title 15, Chapter 393 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous: Weapons.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 393.10 of the above-entitled ordinance be amended to read as follows:

393.10. Definitions. Terms used in this chapter, unless expressly defined, shall have the meanings prescribed by the statutes of the State of Minnesota for the same terms. The following terms shall have the following meanings:

(a) Facsimile firearm means any object which is a replica of an actual firearm, which substantially duplicates an actual firearm, or which could reasonably be perceived to be an actual firearm, unless:

(1) The entire exterior surface of such object is colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple, either singly or as the predominant color in combination with other colors in any pattern; or such object is constructed entirely of transparent or translucent materials which permits unmistakable observation of the firearm's complete contents; and

(2) Such object shall have as an integral part, permanently affixed, a blaze orange extension that extends at least six (6) millimeters from the muzzle end of the barrel of such object; and

(3) Such object does not have attached thereto a laser pointer.

"Facsimile firearm" does not include any actual firearm as otherwise regulated by the terms of this chapter or the Minnesota Statutes.

(a b) Person means any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof. As applied to corporations it includes the officers, agents or employees thereof who are responsible for the act referred to.

(b c) (1) Public place means any building or establishment, place, or public street or highway, where the business, social or governmental activity ordinarily conducted is generally held open to the public; specifically including, but not limited to, such locations as governmental buildings, meeting halls, centers for art and culture, places of amusement, liquor or beer establishments, and restaurants. It shall also include any private residence which is the site of activities proscribed by section 385.170 (Disorderly house).

(2) Public place shall not include:

- a. A dwelling place or residence when a person is present with the permission of a lawful possessor thereof, or one's own place of business;
- b. Premises licensed for the sale of firearms;
- c. Business premises at which the buying, selling, repair, or trade in weapons is regularly conducted, or;
- d. Places at which an event or activity is conducted involving the exhibition, display, or carrying of a weapon, done in a manner not intended or calculated to result in or lead to the unlawful use of the weapon, including, but not limited to, educational or training programs, weapons or collectors' shows or exhibitions, or religious, artistic, educational, or cultural events; or
- e. Parades or other public events when the use or display of weapons is specifically authorized by the city for such events.

(e d) Secured container means a closed and fastened case, box or secured package having no mechanical features designed for immediate weapons removal or use. A sheath, holster, or scabbard, alone, shall not constitute a "secured container."

(d) Use means, with respect to a weapon, to brandish, assault with, threaten with, or otherwise employ in a manner calculated and likely to cause death, great bodily harm, or substantial bodily harm, or the reasonable and immediate fear thereof.

(e) Weapon means any device designed as a weapon and capable of producing death, great bodily harm, or substantial bodily harm; or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death, great bodily harm, or substantial bodily harm, or the reasonable and immediate fear thereof. "Weapon" includes Chinese stars. "Weapon" does not include (1) except when used as a weapon, a folding knife with a blade of four (4) inches or less in length, measured in a straight line from the point to the handle; or (2) a firearm, unless expressly included by section 393.20(b).

Section 2. That Section 393.20 of the above-entitled ordinance be amended to read as follows:

393.20. Firearms regulation. (a) The provisions of the Minnesota Statutes regulating firearms, and as they may be hereafter amended, are incorporated into this chapter. It shall be a violation of this chapter for any person to engage in any conduct proscribed in the incorporated statutes.

(b) For the purposes of sections 393.30 (Violations), 393.85 (Assault weapons), 393.95 (Possession of firearms and facsimile firearms in public), 393.110 (Stopping and searching for weapons), 393.120 through 393.140 (Collectors shows), 393.150 (Firing or use of weapons), and 393.160 through 393.170 (Disposal of confiscated weapons), "weapon" shall include firearms.

(c) For the purposes of section 393.30 (Violations), "weapon" shall include facsimile firearms.

Section 3. That Section 393.90 of the above-entitled ordinance be amended to read as follows:

393.90. Carrying weapons and facsimile firearms prohibited. It shall be unlawful for any person within the city to carry on or about his person in a public place or transport in any vehicle in any public place any weapon or facsimile firearm, except:

(a) Any weapon or facsimile firearm being transported by a person not in a vehicle directly to or from any place or activity referred to in 393.10(b)(2) or to or from his or her vehicle and the places, gatherings, or activities set forth therein, in a secured container.

(b) Transportation of any weapon or facsimile firearm in or upon any motor vehicle in a secured container or in the locked trunk of a such vehicle.

The provisions of this section shall not be applicable to the transport of weapons or facsimile firearms by persons who are regularly engaged in the lawful manufacture, distribution or sale at retail or wholesale of weapons or facsimile firearms, or the agents of any of them while engaged in such business; to the carrying or transport of weapons or facsimile firearms by licensed, full-time peace officers, law enforcement officers or military personnel while in the course of their duties; to persons holding a permit to carry a firearm acting within the scope of such permits; to any officer of a state adult correctional facility when on guard duty or otherwise engaged in an assigned duty; or to an owner or agent while he is present at a business place operated by him, except a business proscribed by section 385.170 (Disorderly house).

Section 3. That Section 393.95 of the above-entitled ordinance be amended to read as follows:

393.95. Possession of firearms and facsimile firearms in public. (a) The transportation of firearms in motor vehicles in the City of Minneapolis shall be governed by Minnesota Statutes Section 97B.045.

(b) This section shall not apply to the possession of firearms or facsimile firearms by officers, employees, or agents of law enforcement agencies or the armed forces of this state or of the United States to the extent that any such person is authorized by law to possess firearms or facsimile firearms and is acting in the scope of his or her duties.

(c) This section shall not apply to the carrying of firearms or facsimile firearms between motor vehicles and places where possession of a firearm or a facsimile firearm is lawful in the City of Minneapolis if the firearm or facsimile firearm is carried unloaded in a secured container, ~~the firearm is not loaded;~~ and the ammunition for the firearm is not readily available.

(d) This section shall not apply to acts of possession allowed by a valid permit to carry issued pursuant to Minnesota Statutes Section 624.714.

(e) Except as provided in subsections (a), (b), (c) and (d), no person shall possess a firearm in a public place or in a room that contains controlled substances if the firearm is loaded or, if unloaded, is a repeating firearm and the ammunition for the firearm is readily available.

(f) Except as provided in subsections (a), (b), (c) and (d), no person shall keep or have in his or her possession a facsimile firearm in a public place or in a room that contains controlled substances.

(f g) For purposes of this section, the following terms shall have the indicated meanings:

- (1) "Controlled substance" shall have the meaning assigned by Minnesota Statutes Section 152.01, Subd. 4; provided, however, that "controlled substance" shall not include a substance that the actor possesses lawfully.
- (2) "Readily available" shall mean that ammunition is within the actor's reach and is unboxed or in a device designed for the rapid loading of a firearm.

Adopted 10/5/2007.

PS&RS - Your Committee, having under consideration the application of Del SFA Inc, dba Sound Bar, 414 3rd Av N, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire October 1, 2007; a Sidewalk Cafe License (new business) to expire April 1, 2008; and a State issued 2:00 a.m. License, and having held a public hearing thereon, now recommends passage of the accompanying resolution granting said licenses, subject to conditions.

Adopted 10/5/2007.

Approved by Mayor Rybak 10/5/2007.

(Published 10/10/2007)

Resolution 2007R-495, granting the application of Sound Bar, 414 3rd Av N, for On-Sale Liquor Class A with Sunday Sales and Sidewalk Cafe Licenses, subject to conditions, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-495

By Samuels

Granting the application of Sound Bar, 414 3rd Av N, for On-Sale Liquor Class A with Sunday Sales and Sidewalk Cafe Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Del SFA Inc, dba Sound Bar, 414 3rd Av N, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire October 1, 2007, and a Sidewalk Cafe License (new business) to expire April 1, 2008, subject to the following conditions:

1. All Federal, State of Minnesota and City of Minneapolis laws, rules and regulations concerning beverage alcohol sales and consumption will be complied with.
2. The licensed business shall provide sufficient staff devoted exclusively to security related duties to protect the well being and safety of patrons, employees and the general public. Said security staff shall be distinctly clothed to make their appearance and function easily recognizable.
3. The applicant shall designate an employee, other than the on-site manager, as head of the security staff. This employee shall be equipped with a cell telephone with the number to be provided to the 1st Precinct to enable prompt communication in the event of disturbances.
4. Prior to the commencement of business operations, the on-site manager and designated head of the security staff shall meet and confer with the 1st Precinct CCP/SAFE and Command staff to develop "best practices and security methods".
5. Highlighted policies and procedures for managers, servers, and security staff shall be posted or easily accessible to all staff and shall include policies concerning glass and bottle beverages served.
6. Management and security staff shall work with the Minneapolis Fire Department Fire Prevention staff to identify methods to prevent violation of occupancy limits.
7. The security staff shall be utilized to ensure that patrons and others do not loiter on the public sidewalk after they have exited the licensed premise.

8. Security staff for the establishment shall be trained in the effective control and expulsion of unruly patrons.

9. The security staff shall assist in crowd control for one half hour after closing to prevent loitering.

10. The applicant shall compile, maintain and share with the 1st Precinct a "do not admit" list to prevent reoccurrence of disturbances by known persons, who shall be trespassed and refused sale, in accordance with liquor sales rules, Chapter 7515.0590.

11. All rubbish found within 100 feet of the main entrance shall be picked up and properly disposed of immediately after the close of the business each night.

12. All persons seeking to gain entrance to the establishment shall be required to present legitimate identification as a condition of entrance.

13. The applicant shall review with the CCP/SAFE Unit and/or Police License Division any law enforcement concerns that may arise from the applicant's business operations.

14. The applicant shall notify the 1st Precinct if an event is scheduled that may draw patron numbers in excess of regular business operations.

15. The applicant shall regularly attend Downtown Entertainment District Security Meetings.

16. The applicant shall join and become actively involved with the Warehouse District Business Association.

17. Employees of the applicant shall receive alcohol server training from an approved provider each three months during the initial year of business operations.

18. The Manager On Duty will be responsible for the confiscation of falsified identification cards and the timely remittance of these cards to the 1st Precinct.

19. The applicant shall notify the Minneapolis Police License Division of the date that the business intends to commence operations to which the general public will be admitted.

20. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/5/2007.

Approved by Mayor Rybak 10/5/2007.

PS&RS - Your Committee, having under consideration the application of Be'Wiched Deli Inc, dba Be'Wiched Deli Inc, 800 Washington Av N, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2008; and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/5/2007.

PS&RS - Your Committee, having under consideration the application of Vera's Ventures Inc, dba Vera's Cafe, 2901 Lyndale Av S, for an On-Sale Wine Class C-2 with Strong Beer License (new business) to expire April 1, 2008; and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/5/2007.

PS&RS - Your Committee, having under consideration the application of La Que Buena Inc, dba La Que Buena, 1609 E Lake St, for an On-Sale Wine Class E with Strong Beer License (expansion of premises/sidewalk cafe) to expire April 1, 2008; and a Sidewalk Cafe License (new business) to expire April 1, 2008, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Samuels moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 10/5/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Witt's Liquor, 19 S 7th St, for an Off-Sale Liquor License, subject to conditions.

Adopted 10/5/2007.

Approved by Mayor Rybak 10/5/2007.

(Published 10/10/2007)

Resolution 2007R-496, granting the application of Witt's Liquor, 19 S 7th St, for an Off-Sale Liquor License, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-496
By Samuels

Granting the application of Witt's Liquor, 19 S 7th St, for an Off-Sale Liquor License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Team Liquor Inc, dba Witt's Liquor, 19 S 7th St, for an Off-Sale Liquor License (change in ownership from Brothers Greer Inc) to expire October 1, 2008, subject to the following conditions:

1. The applicant shall not sell fortified wines of a nature which are other than premium brands.
2. The applicant shall endeavor to operate the premises in a manner that will discourage panhandling in and around the premises and shall cooperate with the City of Minneapolis in the implementation of measures designed to discourage panhandling and loitering.
3. The applicant shall not sell any liquor or wine in quantities smaller than one pint or the metric equivalent.
4. The applicant shall not sell single cans or bottles of beer or malt liquor unless the container holds more than 16 ounces.
5. The applicant shall not accept change in excess of \$2.50 for any one purchase.
6. The business will clean the property of litter and trash daily including the area within 100 feet of the property lines.
7. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/5/2007.

Approved by Mayor Rybak 10/5/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 10/5/2007.

Resolution 2007R-497, granting Liquor, Wine and Beer Licenses, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-497
By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2008

Belfast Enterprises LLC, dba McMahons Pub, 3001 E Lake St (change in ownership from Soni LLC)

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2007

Catering Central Inc, dba Bridgewood Cafe, 3001 Broadway St NE (change in ownership from Percic Enterprises Inc)

On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2008
La Que Buena Inc, dba La Que Buena, 1609 E Lake St (new business; change from On-Sale Wine Class E with Strong Beer)
On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2008
Apple American Limited Partnership of Minnesota, dba Applebees, 3200 W Lake St (new manager)
On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2008
Buca (Minneapolis) Inc, dba Buca Di Beppo, 1204 Harmon Pl (new corporate officer)
Temporary On-Sale Liquor
De LaSalle High School, dba De LaSalle High School, 1 De LaSalle Dr (October 6, 2007, 5:00 p.m. to 11:00 p.m.).
Adopted 10/5/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.
Adopted 10/5/2007.

Resolution 2007R-498, granting applications for Business Licenses, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-498
By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of October 5, 2007 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 272315):

Place of Amusement Class C; Car Wash; Dancing School; Dry Cleaning & Laundry Pickup Station; Fire Extinguisher Servicing Class A; Fire Extinguisher Servicing Class B; All Night Special Food; Caterers; Confectionery; Grocery; Food Manufacturer; Meat Market; Restaurant; Food Shelf; Short-Term Food Permit; Sidewalk Cafe; Fuel Dealer; Fuel Dealer Cash & Carry Only; Bulk Gas & Oil Storage; Gasoline Filling Station; Hotel/Motel; Motor Vehicle Dealer - Used Only; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class A; Towing Class B; Towing Class D; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Secondhand Goods Class B; Antique Mall Operator Class B; Skating Rink - Ice, Roller; Solicitor - Individual; Solid Waste Hauler; Suntanning Facility; Swimming Pool - Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Service Company; Taxicab Vehicle; Medical Contract Carrier; Theater Zone I; Theater Zone III; Tobacco Dealer.

Adopted 10/5/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.
Adopted 10/5/2007.

Resolution 2007R-499, granting applications for Gambling Licenses, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-499

By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Lawful Exempt

Rod & Gun Inc, dba Rod & Gun Inc, 2540 Park Av S (Raffle October 30, 2007 at Zuhrah Shrine Center, 2540 Park Av)

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle November 10, 2007 at Church Hall)

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle, Paddlewheel & Pulltabs November 20, 2007).

Adopted 10/5/2007.

PS&RS - Your Committee, having under consideration the issuance of 45 new taxicab vehicle licenses in accordance with the taxicab ordinance adopted in 2006, now recommends that the following service companies be granted new taxicab vehicle licenses as non-transferable licenses:

8 licenses to Airport Taxi;

13 licenses to Checker Taxi;

10 licenses to A New Star Taxi;

3 licenses to Skybird Taxi

6 licenses to Latino Express;

5 licenses to North Star Taxi

Adopted 10/5/2007.

PS&RS - Your Committee, having under consideration report passed September 21, 2007 denying the application submitted by JenRich Inc, dba Whispers, 418 3rd Av N, for an On-Sale Liquor Class A with Sunday Sales License, and the City Attorney's Office having been directed to draft Findings in support of the license denial, now recommends adoption of the Findings of Fact, Conclusions of Law, and Recommendation for Adverse License Action, which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 10/5/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Catering License held by Prom Catering, dba Columbia Golf Course.

Adopted 10/5/2007.

Resolution 2007R-500, approving License Settlement Conference recommendations relating to the Catering License held by Prom Catering, dba Columbia Golf Course, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-500

By Samuels

Approving License Settlement Conference recommendations relating to the Catering License held by Prom Catering, dba Columbia Golf Course.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on July 12, 2007 with the licensee to discuss issues related to the operation of Columbia Golf Course located at 3300 Central Av NE; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions, in a period of less than 24 months, employees of the licensee sold alcohol to persons under the age of 21, in violation of the Minneapolis Code of Ordinances and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

1. Prom Catering will pay \$3,000 in cost recovery to the City of Minneapolis, with \$2,000 being stayed provided that no same or similar violation occur within one year of the signed Agreement. Said payment shall be received by August 15, 2007.

2. The licensee will submit a business and security plan that will address underage alcohol service upon signing of the Agreement.

3. The licensee will purchase ID scanners for use at events and on the golf carts.

4. The licensee will provide training that better serves the staff and will continue to provide training to staff and will at a minimum provide training to new staff within 30 days of hire. Training policy implementation to begin no later than 30 days from signing of the Agreement.

5. The Agreement shall remain in effect through and including 2009. It is understood between the parties that the Agreement shall bind only the present licensee and will not bind any subsequent, unrelated person or persons should the business be sold and a new license approved.

Adopted 10/5/2007.

PS&RS - Your Committee, to whom was referred by the City Council on September 21, 2007 a report relating to the property located at 2223 16th Av S which has been determined by the Inspections Division to constitute a nuisance under the Minneapolis Code of Ordinances; and the Nuisance Condition Process Review Panel having upheld the Director's Order to Demolish the property, now recommends that the Order to Demolish be stayed, contingent upon the potential buyer closing on the property in 30 days, and having a signed restoration agreement in 60 days.

Adopted 10/5/2007.

PS&RS - Your Committee, having under consideration the property located at 822 26th Av NE which has been determined by the Inspections Division to constitute a nuisance under the Minneapolis Code of Ordinances; and the Nuisance Condition Process Review Panel having held hearings and has recommended that the Director of Inspections' Order to Demolish the property be stayed to allow for the owner to enter into a restoration agreement, to include maintaining the lawn and yard in a proper manner, now recommends that the proper City officers be authorized to demolish the property, which shall be stayed to October 26, 2007, subject to a restoration agreement, bond and security and maintenance plan being obtained and submitted to the Problem Property Unit of the Department of Inspections by October 26, 2007.

Adopted 10/5/2007.

PS&RS - Your Committee, having under consideration the proposed development of an Emergency Operations Training Facility to meet the training needs of the Minneapolis Fire Department and the emergency operations needs for both Minneapolis and Hennepin County, now recommends that the Committee reaffirms its recommendation of August 3rd to move forward with a Joint Emergency Operations Center as the preferred alternative. In the event that the Hennepin County Board does not choose to participate in this project by October 5, 2007, staff is directed to report back to the Public Safety & Regulatory Services Committee with a revised project scope and funding plan for a City only Emergency Operations Training Facility. Upon approval of the revised project, staff should proceed to seek location and design review and approval from the Planning Commission.

Adopted 10/5/2007.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a Joint Powers Agreement with the Minnesota Bureau of Criminal Apprehension (BCA) for the Police Department to fund from its 2008 budget two DNA analysts who will perform DNA analysis on Police Department cases but will be located at the CBA's DNA laboratory and be employees of the BCA. The term of the agreement shall be from January 1, 2008 to December 31, 2010.

Adopted 10/5/2007.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$176,550 in State Buffer Zone Protection Grant funds and execute an agreement to fund the purchase of tactical equipment for the Police Department for homeland security initiatives. Further, passage of the accompanying resolution appropriating \$176,550 to the Police Department.

Samuels moved that the report and resolution be amended by deleting the figure "\$176,500" and inserting in lieu thereof "\$179,550". Seconded.

Adopted upon a voice vote.

The report, with amended resolution, was adopted 10/5/2007.

**RESOLUTION 2007R-501
By Samuels and Ostrow**

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-HS01) by \$179,550 and increasing the Revenue Source (030-400-HS01 - Source 3210) by \$179,550.

Adopted 10/5/2007.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute contracts with Fairbault Harley-Davidson Inc, for a total amount of \$24,558, to provide the Police Department with six police-equipped motorcycles for the Patrol Division.

Adopted 10/5/2007.

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying resolution accepting the donation of a house and structures located at 4236 Linden Hills Blvd for temporary use by the Fire Department. Further, that the proper City officers be authorized to execute a Property Donation and Indemnity Agreement which sets forth the terms and conditions of said donation (Petn No 272318).

Adopted 10/5/2007.

OCTOBER 5, 2007

RESOLUTION 2007R-502

By Samuels and Ostrow

Accepting the donation of a house and structures located at 4236 Linden Hills Blvd for temporary use by the Fire Department.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donation of a house and structures located at 4236 Linden Hills Blvd for temporary training use by the Fire Department.

Adopted 10/5/2007.

PS&RS - Your Committee recommends that the proper City officers be authorized to accept a Port Security Grant Program award of \$1,680,000 and execute an agreement with the United States Department of Homeland Security to provide funds for the creation of a Closed Circuit Television System throughout the Mississippi River Corridor to monitor the waterway to protect critical infrastructure such as bridges, the port itself, and facilities along the river corridor. Further, passage of the accompanying resolution appropriating \$1,680,000 to the Department of Regulatory Services.

Adopted 10/5/2007.

RESOLUTION 2007R-503

By Samuels and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Regulatory Services Agency in the Grants - Federal Fund (030-835-8510) by \$1,680,000.

Adopted 10/5/2007.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration assessments for the repair and construction of public sidewalks, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting the assessments, levying the assessments, and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 272322.

Colvin Roy moved to amend the resolution by adding the following changes to the assessment rolls:

That the assessment for the property identified as 3811 Minnehaha Av, Property ID 07-028-23-22-0010, be reduced by half, from \$1,182.10 to \$591.05;

That the assessment for the property identified as 509 43rd St W, Property ID 10-028-24-32-0191, in the amount of \$674.72, be waived and removed from the assessment rolls; and

That the proposed assessment for the property identified as 4300 Harriet Av S, Property ID 10-028-24-32-0193, be reduced by \$133.64, from \$1,007.54 to \$873.90. Seconded.

Adopted upon a voice vote.

The report, with the amended resolution, was adopted 10/5/2007.

Resolution 2007R-504, adopting the assessments, levying the assessments and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 272322, was adopted 10/5//2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-504

By Colvin Roy

Adopting the assessments, levying the assessments and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 272322.

Whereas, a public hearing was held on September 25, 2007 in accordance with Chapter 8, Sections 12 and 13 of the Minneapolis City Charter to consider the proposed assessments as shown on the proposed assessment rolls on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessment for the property identified as 3452 Holmes Av S, Property ID 04-028-24-31-0091, be reduced by one-half, from \$653.76 to \$326.88;

That the proposed assessment for the property identified as 3547 Humboldt Av S, Property ID 04-028-24-31-0149, be reduced by one-half, from \$440.86 to \$220.43;

That the proposed assessment for the property identified as 3811 Minnehaha Av, Property ID 07-028-23-22-0010, be reduced by half, from \$1,182.10 to \$591.05;

That the proposed assessment for the property identified as 509 43rd St W, Property ID 10-028-24-32-0191, in the amount of \$674.72, be waived and removed from the assessment rolls;

That the proposed assessment for the property identified as 4300 Harriet Av S, Property ID 10-028-24-32-0193, be reduced by \$133.64, from \$1,007.54 to \$873.90;

That the proposed assessments against the affected properties on the list dated August 22, 2007, set forth in Petn No 272322, less prepayments received, in the total amount of \$814,056.04, and as shown on the proposed assessment rolls on file in the office of the City Clerk, be revised to \$812,109.32 as a result of the above reductions and waiver, and hereby are adopted and levied.

Be It Further Resolved that the assessments of more than \$1500 be collected in ten (10) successive equal annual principal installments beginning on the 2008 real estate tax statements with interest.

Be It Further Resolved that the assessments of more than \$150 up to \$1500 be collected in five (5) successive equal annual principal installments beginning on the 2008 real estate tax statements with interest.

Be It Further Resolved that the assessments of \$150 or less be collected in one (1) installment on the 2008 real estate tax statements with interest.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 10/5/2007.

T&PW - Your Committee, having under consideration the Interstate 35W Bridge Highway Project Review (Municipal Consent), now recommends passage of the accompanying resolution approving the Highway Project Review Package submitted on August 21, 2007, by the Minnesota Department of Transportation pertaining to the reconstruction of the Interstate 35W Bridge over the Mississippi River from Washington Av S to University Av SE.

Colvin Roy moved to amend the resolution by deleting the final "Whereas" clause and inserting in lieu thereof:

Whereas, the Governor has sent a letter dated October 2, 2007, stating: "Specifically, state funds will be used to ensure the bridge will be built LRT-ready. Likewise, the measures outlined in the September 25, 2007, letter from Transportation Commissioner Carol Molnau will be incorporated into the project. Further, we support the shared study and possible joint funding (State, County and City)

of Washington Avenue congestion relief and examining the use of HOV, HOT, and BRT along the 35W corridor through the Metropolitan Council's 2030 Regional Development Framework effort". Seconded.

Adopted upon a voice vote.

The report, with the amended resolution, was adopted 10/5/2007.

Approved by Mayor Rybak 10/5/2007.

(Published 10/10/2007)

Resolution 2007R-505, approving the August 21, 2007 Highway Project Review Package submitted by the Minnesota Department of Transportation pertaining to the reconstruction of the Interstate 35W Bridge over the Mississippi River from Washington Av S to University Av SE, referred to as State Project 2783-120, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-505

By Colvin Roy

Approving the August 21, 2007 Highway Project Review Package submitted by the Minnesota Department of Transportation pertaining to the reconstruction of the Interstate 35W Bridge over the Mississippi River from Washington Av S to University Av SE, referred to as State Project 2783-120.

Whereas, the Interstate 35W bridge spanning the Mississippi River collapsed on August 1, 2007 at approximately 6:05 p.m., totally destroying the bridge, and

Whereas, the catastrophic collapse of the bridge caused significant injuries, loss of life, damage to public and private property and infrastructure, and

Whereas, the City of Minneapolis unanimously adopted on August 17, 2007 the "Statement of Principles - Rebuilding the I-35W Bridge" as set forth in Petn No 272237 on file in the office of the City Clerk; and

Whereas, the Governor of Minnesota, Tim Pawlenty, on August 21, 2007, sent a letter to City Council President Barbara Johnson outlining the proposed bridge capacity for ten lanes with two lanes devoted to transit and/or managed lanes, and that the bridge will be LRT-ready; and

Whereas, the Minnesota Department of Transportation ("MnDOT") submitted a Highway Project Review Package (aka Municipal Consent) to the City of Minneapolis for approval on August 21, 2007, pertaining to the above-described "I-35W Bridge" (the "project"), which Package included a MnDOT letter, cross-sections and layout map, and a profile map dated August 21, 2007, which are on file with the City Engineer as S.P. 2783-120; and

Whereas, the Municipal Consent Package proposes increased highway traffic capacity and requires acquisition of permanent rights-of-way; and

Whereas, the Municipal Consent Package states, "No cost participation from the City of Minneapolis is expected given the understood scope of work"; and

Whereas, MnDOT prepared a Project Memorandum ("PM") that includes purpose, description, cost and funding source, schedule and project manager, need for project, mitigation and commitments, public and agency involvement, and appendices and which was submitted and approved by the FHWA on August 23, 2007, rendering a "categorical exclusion" for the project; and

Whereas, prior to and on September 19, 2007, MnDOT conducted a Request for Qualifications and Request for Proposals (the "RFP") for a design-build team and opened bids resulting in the apparent best value bid being the Flatiron/Manson team; and

Whereas, the City Council held a public hearing pursuant to State Statute on September 20, 2007 and now has the authority to approve or disapprove this project based on these submissions, public testimony, information contained in project documents, Request for Proposals (RFP), and other evidence and testimony of record; and

Whereas, the City's "Statement of Principles" included a transit-ready bridge and transit/HOV dedication of the fifth lane statements and which the Governor and MnDOT have officially stated in their letters, documentation and testimony expressing that MnDOT will design and build the project to accommodate potential future LRT, BRT or managed lanes; and

Whereas, MnDOT has formed a Visual Quality (VQ) Advisory Team that includes representatives from the National Park Service, City of Minneapolis, Minneapolis Park Board; State Historic Preservation Office and the Friends of the Mississippi River along with support from the Federal Highway Administration and MnDOT's Metro Division Design-Build Team, and Offices of Bridge, Technical Support and Environmental Services; and the VQ team has developed fourteen recommendations for visual design guidance of the project which are stated as follows:

- The new bridge should be an integrated whole in which all elements compliment the overall appearance of the structure;
 - The final design solution should result in an "elegant simplicity" in which the "engineered lines and proportions" are the primary design element;
 - The design elements should exhibit fluid lines in the overall presentation of the bridge;
 - The new bridge should respect, not imitate, the historic and natural setting;
 - The design of the new bridge should compliment the adjacent Tenth Avenue Bridge and the St. Anthony Falls Historic District;
 - Consider the many and varied vantage points from which the bridge is viewed (from the river and riverfront, from adjacent bridges, from neighboring buildings and residences);
 - Consider the appearance of the new bridge both during the day and at night (architectural accent lighting should be included in the design solution);
 - Travelers should have a clear sense of a bridge "crossing" that celebrates or communicates that one is crossing the Mississippi River;
 - Recognize that this segment of the I-35W Corridor is the only location within a unit of the National Park Service;
 - Include provisions for future amenities such as the East River Parkway and Trail extension to Main Street and the proposed whitewater park;
 - Minimize negative impacts on the neighborhood fabric that could result from revisions to the approaches, exits, and entrances from the freeway;
 - Way-finding or interpretive signage should be incorporated into the roadway/bridge design;
 - The design should integrate "greenscape" to the greatest extent possible;
 - Recognize that the new bridge design itself can be an uplifting, beautiful part of a "memorial";
- and MnDOT has shared these VQ recommendations widely with the public through open houses, meetings and their website; and

Whereas, the Minneapolis City Council has reviewed and considered appropriate factual, legal and other background materials and makes the following findings and determinations, based on the evidence of record to date:

1. A final layout as required by Minn. Stat. 161.162, Subd. 2(a), which requires as part of the "final layout" "supplemental drawings" that show "character," "dimensions" "access" and "explanatory information" about the work being proposed and includes, among other elements in the "final layout," bridges, trails, sidewalks, intersections, proposed design speed, sensitive areas, location of storm water drainage, project schedule and estimated cost, etc;
2. The final layout did not show the location of storm water drainage, but discussions with MnDOT and RFP provisions require it to occur within the proposed right-of-way, meaning that the north bank day care (801-807 2nd St SE) and south bank vacant building (1905 Bluff Street) sites are most likely to be used for storm water ponding;
3. The final layout did not show sensitive areas, proposed design speed, project schedule and cost estimate, but discussions with MnDOT, RFP provisions and the PM have indicated that the sensitive areas include the Mississippi River, the parklands on both sides of the river, historic properties, dredging area, and the south side contaminated soils area. The proposed design speed of the freeway was set at 55 mph. MnDOT has indicated that the estimated project schedule was estimated to begin in October 2007 and conclude by Fall/Winter 2008 and the estimated project cost was approximately \$200 million;

4. The final layout would appear to retain the former freeway traffic operations and may slightly improve them and that freeway congestion on I-35W is not expected to get worse due to the project. However, the northbound Washington Av entrance ramp must weave over two lanes to continue north on I-35W, an addition of one lane from the former condition;
5. The final layout and RFP provisions would appear to reduce the barriers across I-35W by continuing 2nd St plus accommodating for a future Main Street/parkway/trail connection on the north bank;
6. The final layout would appear to result in few permanent changes to traffic and circulation on local streets, with the exception of 14th Av and ponding location impacts to 19th Av and Bluff Street;
7. The final layout would appear to preserve future south bank access and connection opportunities under the I-35W Bridge but the RFP provisions appear to eliminate access for trail connection on the south bank, creating barriers and potentially impairing the vitality of Minneapolis neighborhoods and the regional trail system for bicycle and pedestrian movement across I-35W.
8. The final layout and RFP provisions would appear to result in right-of-way acquisition of twelve parcels that includes zero residential homes and three businesses; and

Whereas, the "Statement of Principles - Rebuilding the I-35W Bridge" as set forth in Petn No 272237, are substantially met as noted above; and

Whereas, the Governor has sent a letter dated October 2, 2007, stating: "Specifically, state funds will be used to ensure the bridge will be built LRT-ready. Likewise, the measures outlined in the September 25, 2007, letter from Transportation Commissioner Carol Molnau will be incorporated into the project. Further, we support the shared study and possible joint funding (State, County and City) of Washington Avenue congestion relief and examining the use of HOV, HOT, and BRT along the 35W corridor through the Metropolitan Council's 2030 Regional Development Framework effort";

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That based on these findings the Minneapolis City Council approves the final layout provided by MnDOT and approves municipal approval of the project to reconstruct Interstate 35W from Washington Avenue South to University Avenue Southeast, identified as State Project 2783-120, and referred to in the Highway Project Review Package submitted by the Minnesota Department of Transportation on August 21, 2007 as the "I-35W Bridge at the Mississippi River" project.

Be It Further Resolved that the City of Minneapolis requests that the Minnesota Department of Transportation make the following changes or modifications to the final construction plans of the I-35W Bridge project:

1. Change the project final construction plans to incorporate MnDOT's RFP provisions and RFP addendums as follows:
 - a. Ensuring the freeway bridge profile plus future freeway profile/clearances under University Av and 4th St allow for the standard bridge clearances, the three additional feet and the existing bridge depth;
 - b. Extending the construction termini to include the entire northbound exit ramp to University Av and the entire southbound exit ramp to Washington Av;
 - c. Ensuring that 2nd St remains open even with north abutment bridge changes and potential retaining wall earth-filled sections;
 - d. Providing an 80-foot opening under the proposed I-35W bridge located on the north bank of the river and measured 80 feet northerly from the centerline of the remaining single railroad track that remains only for University of Minnesota coal plant purposes. This 80-foot opening will allow for a future trail, sidewalks and parkway/street;
 - e. Eliminating the five northerly (of six total) existing railroad tracks under the I-35W Bridge and removing said five tracks west of the 10th Avenue Bridge according to Agreement #91723 between Minnesota Commercial Railway Company and MnDOT;
 - f. Designing and constructing the project consistent with the Visual Quality recommendations and through further community input;
 - g. Continuing and further conducting on-going project communications for all aspects of the project including but not limited to environmental (noise, dust, etc.), construction staging and haul routes, visual quality, safety, neighborhood concerns, and others as they arise;

- h. Designating the locations, designing and funding as part of the project the appropriate stormwater treatment facilities to provide access for facility maintenance (ponds, grit chambers, etc.) and a maintenance agreement to assure efficacy and disposal of material containing pollutants in coordination with the NPDES process;
 - i. Ensuring the Corps of Engineers and City of Minneapolis will be able to maintain access and continue the Mississippi River dredging operations and dredge pile area during project construction and after the bridge is built, and that proper agreements are in place not impacting said operations and area;
- 2. Develop alternatives, in cooperation with City Public Works and Hennepin County, which will address safety issues at the intersection of the I-35W northbound exit ramp and University Avenue. Change the project final construction plans through on-going City Public Works and Hennepin County discussions and fund the project's necessary design, engineering, right-of-way acquisition, and construction actions to implement the agreed upon alternative;
- 3. Develop alternatives, in cooperation with City Public Works, which eliminates or minimizes the traffic impacts related to 14th Av between 2nd and 1st Streets South. Change the project final construction plans through on-going City Public Works discussions and fund the project's necessary design, engineering, right-of-way acquisition, and construction actions to implement the agreed upon alternative;
- 4. Develop alternatives, in cooperation with City Public Works, which include the appropriate project opening under I-35W that allows for a bicycle/pedestrian trail extension from Bridge 9 westerly to 13th Av S. Change the project final construction plans through on-going City Public Works discussions, and to fund the project's necessary design, engineering, right-of-way acquisition and construction actions to implement said agreed upon alternative that allows for the City, at a later date, to construct the trail;
- 5. Develop alternatives, in cooperation with City Public Works, which addresses the City's needs regarding the south bank stormwater location related to 19th Av and Bluff St. Change the project final construction plans through on-going City Public Works discussions, and to fund the project's necessary design, engineering, right-of-way acquisition and construction actions to implement the agreed upon alternative;
- 6. Develop, in cooperation with City Public Works, and fund the appropriate design and engineering services that allow for the City to review project plans and provisions.

Adopted 10/5/2007.

Approved by Mayor Rybak 10/5/2007.

T&PW - Your Committee recommends passage of the accompanying resolution adopting the assessment roll for service charges to be imposed for collection in 2008 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project. Adopted 10/5/2007.

Resolution 2007R-506, adopting the assessment roll for service charges to be imposed for collection in 2008 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-506
By Colvin Roy

Adopting the assessment roll for service charges to be imposed for collection in 2008 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project.

Whereas, Resolution 89R-412, passed September 29, 1989, established the annual amount of service charges to be charged to properties in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project to be \$888,191; and

Whereas, the annual amount of the service charges for payable 1990, 1991, 1992, and 1993 was \$888,191; and

Whereas, refunding bonds were issued in July 1993 for the New Nicollet Mall Reconstruction Project with the annual amount of service charges to the district being reduced for payable 1994, 1995, and 1996 to \$680,000, said reduced annual amount reflecting the allocated share of the interest savings generated by the said funding bonds, all as recited in Resolution 93R-430, passed November 12, 1993; and

Whereas, the annual amount of the service charges for payable 1997 through payable 2009 inclusive is to be restored to \$888,191; and

Whereas, the service charges have to be certified to the Hennepin County Auditor on an annual basis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the assessment roll listing the service charges in the amount of \$888,191 to be imposed for collection in 2008 and the affected properties as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 10/5/2007.

T&PW - Your Committee recommends that the proper City officers be authorized to increase Agreement No CP 03-14-01 with the Anoka County Highway Department by \$32,841.71, for a revised total project cost of \$82,841.71, to provide turning lanes on East River Road for two entrances to the Minneapolis Water Works Facility in Fridley. Funds are available within the Water Capital Appropriation (7400-950-9515).

Adopted 10/5/2007.

T&PW - Your Committee, having under consideration the W 54th St Reconstruction Project, Special Improvement of Existing Street No 6733 (Upton Av S to Penn Av S), now recommends approval of the project layout, revised September 4, 2007, set forth in Petn No 272322 on file in the office of the City Clerk.

Your Committee further recommends that the proper City officers be authorized to negotiate with private property owners to acquire and execute easements and additional right-of-way, if necessary.

Adopted 10/5/2007.

T&PW - Your Committee, having under consideration the Elliot Av S at Lake Street cul-de-sac project, now recommends:

a) That the proper City officers be authorized to execute the appropriate documents to acquire a street easement from John Wolf, dba Chicago Lake Properties, LLC of 825 Lake St E for a cul-de-sac and alley on Elliot Av S, and accept easement;

b) That the proper City officers be authorized to execute the appropriate documents to acquire a street easement from Jay Warmington, et. al. of 3015 Chicago Av for a cul-de-sac on Elliot Av S, and accept easement; and

c) Passage of the accompanying resolution accepting the Elliot Av S plans and directing the City Engineer to proceed with the construction of the Elliot Av S cul-de-sac project.

Adopted 10/5/2007.

Approved by Mayor Rybak 10/5/2007.

(Published 10/10/2007)

Resolution 2007R-507, designating the improvement of certain existing streets at the location described hereinafter and ordering the work to proceed for the Elliot Av S at Lake Street Project, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-507

By Colvin Roy

ELLIOT AV S AT LAKE STREET CUL-DE-SAC PROJECT NO 9848

Designating the improvement of Elliot Ave S between E Lake St and E 31st St and ordering the work to proceed.

Resolved by The City Council of The City of Minneapolis:

That Elliot Ave S between E Lake St and E 31st St within the City of Minneapolis is hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by paving with plant mix asphalt/concrete with concrete curb and gutter all on a stabilized base including other street paving related improvements and the City Engineer is hereby directed to proceed and do the work as designated.

Adopted 10/5/2007.

Approved by Mayor Rybak 10/5/2007.

T&PW - Your Committee, having under consideration the Lyn/Lake Municipal Parking Lots Project and the establishment of proceedings for the assessment of project costs and expenses and the establishment of impact fees for businesses that have bought into the lots to meet parking requirements, now recommends:

a) Passage of the accompanying resolution establishing the special assessment proceedings for payable 2008 for the Lyn/Lake Parking Facilities;

b) Establishment of impact fees for the Lyn/Lake Lots for the period of September 1, 2007 through August 31, 2008 at \$940.00 per stall for businesses that had licenses/permits to expand their businesses, or approved plans by the City to expand their businesses as of September 1, 1998, and \$1885.00 per stall for new businesses; and

c) That a public hearing be held on October 23, 2007, to consider the annual assessment.

Adopted 10/5/2007.

Resolution 2007R-508, establishing the special assessment proceedings for payable 2008 for the Lyn/Lake Parking Facilities, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-508

By Colvin Roy

Establishing the special assessment proceedings for payable 2008 for the Lyn/Lake Parking Facilities.

Whereas, Minnesota Statutes, Section 459.14 (Automobile Parking Facilities) authorizes the City of Minneapolis to acquire property interests, construct parking facilities, operate and maintain parking facilities and finance parking facilities through special assessments levied against benefited properties; and

Whereas, the City of Minneapolis has approved the establishment of parking facilities in the Lyn/Lake area, as more particularly described in Resolutions 98R-129 passed April 24, 1998 and 98R-186 passed May 22, 1998 and in Petn Nos 263708 and 263799 on file in the office of the City Clerk; and

Whereas, the City Engineer has recommended the amount to be specially assessed for payable 2008 to be \$63,245.50, all as contained in Petn No 272322 on file in the office of the City Clerk;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers are hereby directed to prepare proposed special assessments in the total amount of \$63,245.50 and to give notice of a public hearing to be held by the Transportation and Public Works Committee on October 23, 2007, in accordance with Minnesota Statutes, Section 459.14 and Minnesota Statutes, Chapter 429, to consider the amount proposed to be assessed to each benefited property for payable 2008.

Adopted 10/5/2007.

T&PW - Your Committee, having under consideration the accompanying resolution approving the Hennepin County Department of Transportation Layout for County State Aid Highway 22, Lyndale Avenue from Minnehaha Parkway W to 31st St W, now recommends that said resolution be sent forward without recommendation.

Colvin Roy moved that the report be amended by deleting the language "sent forward without recommendation" and inserting in lieu thereof "approved." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/5/2007. Yeas, 12; Nays, 1 as follows:

Yeas - Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Johnson.

Nays - Gordon.

Resolution 2007R-509, approving the Hennepin County Department of Transportation Layout for County State Aid Highway (CSAH) 22, Lyndale Av S from Minnehaha Parkway W to 31st St W, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-509

By Colvin Roy

Approving the Hennepin County Department of Transportation Layout for County State Aid Highway (CSAH) 22, Lyndale Av S from Minnehaha Parkway W to 31st St W.

Whereas, the Hennepin County Department of Transportation (County) has proposed the reconstruction of Lyndale Av from Minnehaha Pkwy W to 31st St W in Minneapolis; and

Whereas, the County formed a Project Task Force consisting of representatives from the neighborhoods, businesses, and elected officials to assist with providing guidance and recommendations for the project; and

Whereas, the City and County have held many meetings and open houses with the adjacent communities to solicit input for the development of the layout; and

Whereas, the City and County Departments of Public Works concur that the layout provides for the existing and future transportation needs and meets State standards; and

Whereas, staff has made its recommendation to the City Council based on said determination;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City approve the Hennepin County Department of Transportation's Layout 1A (dated August 29, 2007) for Lyndale Av (County State Aid Highway 22) from Minnehaha Pkwy W to 31st St W, as submitted.

Adopted 10/5/2007. Yeas, 12; Nays, 1 as follows:

Yeas - Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Johnson.

Nays - Gordon.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a site access lease agreement with the Minneapolis Public Housing Authority to house the City's radio communications equipment at 3110 Blaisdell Av S. Funds for the lease have been appropriated and are payable from 6200-680-6803.

Adopted 10/5/2007.

T&PW & W&M/Budget - Your Committee, having under consideration the United States Environmental Protection Agency (EPA) Brownfield Grant award to be used for pollution remediation in the Bassett Creek Valley area of Minneapolis, now recommends:

a) That the proper City officers be authorized to accept EPA grant funds in the amount of \$200,000 and execute the grant, subrecipient and/or disbursement and related agreements for these grants; and

b) Passage of the accompanying resolution increasing the appropriation and revenue for the project by \$200,000.

Adopted 10/5/2007.

**RESOLUTION 2007R-510
By Colvin Roy and Ostrow**

Amending the 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

a) Increasing the appropriation for the Community Planning and Economic Development Agency in the Grants - Other Fund - Federal (0600-890-8952) by \$200,000; and

b) Increasing the revenue source for the Community Planning and Economic Development Agency in the Grants - Other Fund - Federal (0600-890-8490-3210-14) by \$200,000.

Adopted 10/5/2007.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a contract with the consultant team of T.Y. Lin International to complete the Citywide Pedestrian Master Plan, pending City Attorney review and execution of grant contracts.

Adopted 10/5/2007.

T&PW & W&M/Budget - Your Committee, having under consideration the Non-Motorized Transportation Pilot Program (NTP), now recommends approval of the following recommendations:

T&PW:

a) That the proper City officers be authorized to accept one NTP-awarded federal grant, in the amount of \$900,000 over three years, for a Bicycle and Pedestrian Ambassador Program;

b) That the proper City officers be authorized to accept twenty-three NTP-awarded federal grants, in the total amount of \$5,760,000, for infrastructure, operations, and planning improvements, with the understanding that the Riverlake Greenway project (and others) will require a community involvement process, with the participation of Transit for Livable Communities, in order to develop acceptable design solutions;

c) That the proper City officers be authorized to enter into respective agreements with the Minnesota Department of State Aid, as needed, to obtain such grant awards; and

d) Passage of the accompanying resolution increasing the appropriation and revenue for the projects by \$6,660,000.

W&M/Budget:

Approval of a) through d) and

e) Passage of the accompanying resolution appointing the Commissioner of Transportation as Agent of the City.

OCTOBER 5, 2007

Colvin Roy moved that the report be amended to approve the Ways & Means/Budget Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 10/5/2007.

**RESOLUTION 2007R-511
By Colvin Roy and Ostrow**

Amending the 2007 Capital Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the PW Capital Agency in the Grants-Federal Fund (0300-943-9480) by \$6,660,000 and increasing the revenue source (0300-943-9480 - Source 3210) by \$6,660,000.

Adopted 10/5/2007.

Resolution 2007R-512, appointing the Commissioner of Transportation as agent of the City of Minneapolis and entering into an agreement to accept grants for the Non-Motorized Transportation Pilot Program, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2007R-512
By Colvin Roy and Ostrow**

RESOLUTION FOR AGENCY AGREEMENT

Appointing the Commissioner of Transportation as agent of the City of Minneapolis and entering into an agreement to accept grants for the Non-Motorized Transportation Pilot Program.

Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Minneapolis to accept as its agent, federal aid funds which may be made available for eligible transportation-related projects.

Be It Further Resolved that the proper City officers are hereby authorized and directed, for and on behalf of the City of Minneapolis, to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No 91510," a copy of which said agreement was before the City Council and which is made a part hereof by reference.

Adopted 10/5/2007.

T&PW & W&M/Budget - Your Committee, having under consideration the collection of organic materials, now recommends:

- a) That the proper City officers be authorized to develop a pilot program to collect source separated organic materials;
- b) Authorizing the purchase of mobile refuse containers (garbage carts) manufactured by Schaeffer Systems specialized for composting use;
- c) That the Public Works Department be authorized to hire 1.0 Full Time Equivalent (FTE) Solid Waste and Recycling employee to staff the pilot program; and
- d) That the proper City officers seek grant funding from Hennepin County for the pilot program, with the balance of the funding to be paid for from the Solid Waste and Recycling Enterprise Fund.

Your Committee further recommends that staff be directed to negotiate with Hennepin County in an attempt to achieve up to 50% participation by the County in the funding of the pilot program.
Adopted 10/5/2007.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 6852, Accept low bid of Landwehr Construction, Inc., in the amount of \$89,664, to furnish all labor, materials, equipment, and incidentals necessary to complete the Fridley Demolition Project; and

b) OP 6859, Accept low bid of Twell Environmental, Inc., in the amount of \$41,332, for hazardous materials abatement at Fire Station No 21.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department (Petr No 272323).

Adopted 10/5/2007.

Approved by Mayor Rybak 10/5/2007.

(Published 10/10/2007)

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the contract with the Council on Crime and Justice to extend the period of performance to March 31, 2008.

Adopted 10/5/2007.

Absent - Colvin Roy, Hofstede.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the existing contract C98-12701 with Systems & Software, Inc. for up to \$700,000 to upgrade the Finance Utility Billing and Customer Information software to the most recent version released by the vendor.

Your Committee further recommends passage of the accompanying resolution appropriating \$531,580 to Business Information Services Agency.

Adopted 10/5/2007.

Absent - Colvin Roy, Hofstede.

RESOLUTION 2007R-513

By Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Business Information Services Agency in the Info Tech - Internal Service Fund (6400-880-8870 5070) by \$531,580 and increasing the Revenue Source (6400-880-8870 - Source 3455) by \$531,580.

Adopted 10/5/2007.

Absent - Colvin Roy, Hofstede.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a Memorandum of Understanding between Hennepin County and the City of Minneapolis for sharing of fiber connectivity (as set forth in Petr No 272328); and that the City provide funding for up to \$20,994.

Adopted 10/5/2007.

Absent - Colvin Roy, Hofstede.

W&M/Budget - Your Committee having under consideration the City of Minneapolis' Life and Long-term Disability Insurance benefits, now recommends that the proper City officers be authorized to execute a contract with CIGNA as the selected provider for employees of the City departments and participating boards and agencies, effective January 1, 2008 for a period of three years with an option to renew for an additional two years (Petr No 272330).

Adopted 10/5/2007.

Absent - Colvin Roy, Hofstede.

W&M/Budget - Your Committee having under consideration the Federal Emergency Management Agency (FEMA) eligible expenditures relating to the 35W bridge collapse, now recommends the following:

a) Authorize proper City officers to execute a sub-grant agreement and any additional amendments with the Minnesota Department of Public Safety to recover expenses.

b) Authorize proper City officers to execute the appropriate actions under said grant agreement.

c) Authorize acceptance of reimbursements received under said grant agreement.

Adopted 10/5/2007.

Absent - Colvin Roy, Hofstede.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Joel Conner from the decision of the Board of Adjustment which, notwithstanding staff recommendation to approve a variance to reduce the established front yard setback to 20 feet, conditionally approved said variance to reduce the established front yard setback to 10 feet to allow for a patio and fountain in front of a single family dwelling at 2220 Cedar Lake Pkwy, now recommends that said appeal be granted, and the application for variance be approved to reduce the established front yard setback to the originally requested 3 feet, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 10/5/2007.

Declining to vote - Benson.

Z&P - Your Committee, having under consideration the appeal filed by Andrew Wattenhofer from the decision of the Board of Adjustment which denied the following variance applications to: a) increase the maximum driveway width from 25 feet to 30 feet; b) reduce the front yard setback along 6th St NE from 20 feet to 13.75 feet for the garage only; c) reduce the side yard setback from 5 feet to 3 feet, 9 inches for the garage only; and d) increase the maximum impervious surface area from 65 percent to 69 percent, all for a proposed two car attached garage with second floor living space, third story balcony, and driveway at 526 8th Ave NE, now recommends that the appeal and application relating to the variance (a) to increase the maximum driveway width from 25 feet to 30 feet be denied, and that the appeal relating to the following variances be granted and the applications be approved as follows: b) reduce the front yard setback along 6th St NE from 20 feet to 13.75 feet for the garage only; c) reduce the side yard setback from 5 feet to 3 feet, 9 inches for the garage only; and d) increase the maximum impervious surface area from 65 percent to 70.5 percent.

Your Committee further recommends that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Hofstede moved to amend the report by deleting the following language: "with second floor living space, third story balcony," and that the following language be added at the end of the first paragraph:

"Your Committee further recommends that the following condition of approval be adopted:

1. That the roof pitch and eaves of the garage match those of the existing house in order to maintain the character of the house and the character of the neighborhood." Seconded.

Schiff moved a substitute motion to add the following language at the end of the first paragraph:

"Your Committee further recommends that the following condition of approval be adopted:

1. That the roof pitch and eaves of the garage match those of the existing house in order to maintain the character of the house and the character of the neighborhood." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/5/2007. Yeas, 11; Nays, 2 as follows:

Yeas - Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon, Ostrow.

Nays - Hofstede, Johnson.

Z&P - Your Committee, having under consideration the appeal filed by Susan Hunter-Weir from the decision of the Heritage Preservation Commission approving an application for wrecking permit filed by Children's Hospitals and Clinics to allow for demolition of the Olivet Methodist Church building at 724 East 26th Street, a potential historic resource, as part of the overall campus expansion project for Children's Hospitals and Clinics, subject to the following conditions:

A. The wrecking permit application shall not be pulled until the proposed project replacement receives all other necessary review and approvals by the Minneapolis Planning Commission; and

B. A mitigation plan shall be completed prior to HPC approval of a permit for the demolition of the structure. The mitigation plan shall include:

1. A copy of the original building permits and building permit index cards.

2. A photographic survey of the building's interior and exterior including all decorative elements of the structure. The photographs shall be in accordance with Minnesota's Historic Property Record Guidelines and recommendation will include a context survey of the work of Kinney and Halden architects.

3. Copies of the mitigation plan shall be provided to the following groups:

Heritage Preservation Commission, Minnesota Annual Conference of the United Methodist Church, Minneapolis Public Library, Hennepin County Historical Society, and Minnesota Historical Society.

4. A salvage plan shall be completed prior to CPED staffs approval of the wrecking permit application. The salvage contractor shall outline how the wrecking contractor will attempt to salvage as many architectural defining and building materials as possible;

now recommends that said appeal be forwarded without recommendation.

Lilligren moved that the report be amended by deleting the language, "forwarded without recommendation" and inserting in lieu thereof, "granted, and that staff be directed to draft new Findings of Fact for the granting of an appeal." Seconded.

Goodman moved a substitute motion that the report be amended by deleting the language, "forwarded without recommendation" and inserting in lieu thereof, "denied, and that Community Planning & Economic Development staff findings as approved by the Heritage Preservation Commission be adopted." Seconded.

Goodman moved to call the question. Seconded.

Adopted upon a voice vote.

Goodman's substitute motion was adopted. Yeas, 9; Nays, 4 as follows:

Yeas - Colvin Roy, Glidden, Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Johnson.

Nays - Schiff, Lilligren, Remington, Gordon.

Benson moved to amend the report to direct staff to look at the staff report and if it does not include a provision with regard to no reasonable alternative, that they add one. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/5/2007. Yeas, 9; Nays, 4 as follows:

Yeas - Colvin Roy, Glidden, Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Johnson.

Nays - Schiff, Lilligren, Remington, Gordon.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of the Metropolitan Council to vacate all of 8th Ave N (#1516, in the vicinity between Lyndale Ave N (I-94) and 7th St N adjacent to 635 8th Ave N), subject to retention of easement rights by the City of Minneapolis, Xcel Energy, and Centerpoint Energy, for use by Metro Transit for vehicular access and additional landscaping, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said street.

Schiff moved that the report be referred back to the Zoning & Planning Committee. Seconded. Adopted upon a voice vote 10/5/2007.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of the Metropolitan Council to vacate all of the public alley adjacent to 635 8th Ave N (#1517), subject to retention of easement rights by the City of Minneapolis, Xcel Energy, and Qwest, for use by Metro Transit for vehicular access and additional landscaping, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said alley. Schiff moved that the report be referred back to the Zoning & Planning Committee. Seconded. Adopted upon a voice vote 10/5/2007.

Z&P – Your Committee concurs in the recommendation of the Planning Commission relating to applications of Seward Redesign (BZZ-3707) for an addition to an existing building at the former Riverside Market site for the Seward Coop Grocery and Deli at 2801-23 Franklin Ave E and 2012-2016 29th Ave S, and adopting the related findings prepared by the Department of Community Planning & Economic Development, as follows:

A. Granting the petition to rezone the property at 2012 29th Ave S from R2B to the C2 District, by passage of the accompanying ordinance amending the Zoning Code.

B. Approving the application of to vacate the east-west alley along the south of the site (#1512), subject to retention of easement rights by Xcel Energy, by passage of the accompanying resolution. Adopted 10/5/2007.

Ordinance 2007-Or-074 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally, rezoning the property at 2012 29th Ave S to the C2 District, was adopted 10/5/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2007-Or-074
By Schiff
1st & 2nd Readings: 10/5/2007

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 37, Block 2, Fair Ground Addition to Minneapolis (2012 29th Ave S - Plate 22) to the C2 District.

Adopted 10/5/2007.

Resolution 2007R-514, vacating part of the alley in Block 2, Fairground Addition to Minneapolis, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-514

By Schiff

Vacating part of the alley in Block 2, Fairground Addition to Minneapolis; (#1512).

Resolved by The City Council of The City of Minneapolis:

That all of the east-west alley as platted in Block 2, Fair Ground Addition to Minneapolis, as follows: Beginning at the southeast corner of Lot 1, Block 2, said Addition, then west to the southwest corner of Lot 13, Block 2, said Addition, thence south to the northwest corner of Lot 14, Block 2, said Addition, thence east to the northeast corner of Lot 37, Block 2, said Addition, thence north to the point of beginning"; all as of record at the Hennepin County Recorders Office, Minneapolis, Minnesota, is hereby vacated except that such vacations shall not affect the existing easement right and authority of Xcel Energy their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to wit:

As to Xcel Energy: Over the entire alley to be vacated.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 10/5/2007.

Z&P – Your Committee concurs in the recommendation of the Planning Commission relating to applications of Children's Hospitals & Clinics (BZZ-3613) for a campus expansion project including a new ambulatory care center and parking facility at 2525-2545 Chicago Ave, 2501-2525 Elliot Ave, 2502-2516 10th Ave S, 915 25th St E, 2508-2550 Chicago Ave, 2515-2543 Columbus Ave and 720-724 26th St E, and adopting the related findings prepared by the Department of Community Planning & Economic Development, as follows:

A. Granting the petition to rezone the properties at 2508-2550 Chicago Ave, 2515-2543 Columbus Ave and 720-724 26th St E from OR2 to the OR3 District, by passage of the accompanying ordinance amending the Zoning Code.

B. Approving the application to vacate an alley on the block bounded by Chicago Ave, 25th St E, Columbus Ave and 26th St E (#1525), subject to retention of easement rights by Xcel Energy, MCI Network Services, and Comcast, by passage of the accompanying resolution.

C. Approving the application to vacate the City of Minneapolis easement in vacated Elliot Ave between 25th and 26th St E (#1526), by passage of the accompanying resolution.

Adopted 10/5/2007.

Ordinance 2007-Or-075 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally, rezoning the properties at 2508-2550 Chicago Ave, 2515-2543 Columbus Ave and 720-724 26th St E to the OR3 District, was adopted 10/5/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

OCTOBER 5, 2007

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2007-Or-075
By Schiff
1st & 2nd Readings: 10/5/2007

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block 1, "Hawkins 2nd Addition to Minneapolis", according to the recorded plat thereof, said Hennepin County, together with those parts of the vacated alley which accrued to said Lots by reason of said vacation, together with Lots 25, 26, 28, 29, 30 and 31, Auditor's Subdivision Number 212, according to the recorded plat thereof, said Hennepin County, together with those parts of the vacated alley which accrued to said lots by reason of said vacation (2508-2550 Chicago Ave, 2515-2543 Columbus Ave and 720-724 26th St E - Plate 20) to the OR3 District.

Adopted 10/5/2007.

Resolution 2007R-515, vacating the alley on the block bound by Chicago Ave, 25th St E, Columbus Ave and 26th St E (#1525), was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-515
By Schiff

Vacating the alley on the block bound by Chicago Avenue, 25th Street East, Columbus Avenue and 26th Street East (#1525).

Resolved by The City Council of The City of Minneapolis:

All that part of the public Alley as opened by City of Minneapolis Street Resolution No. 956, dated January 31, 1913; from the North line of Hawkin's 2nd Addition to Minneapolis, to the South line of 25th Street; And, the public alley as dedicated in Hawkin's 2nd Addition to Minneapolis, on file and of record at the Hennepin County Records office, Hennepin County, Minnesota.

is hereby vacated except that such vacation shall not affect the existing easement rights and authority of Xcel Energy, MCI Network Services, and Comcast, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy, an easement throughout the entire length and width of the area to be vacated;

As to MCI Network Services, an easement throughout the entire length and width of the area to be vacated;

As to Comcast, an easement throughout the entire length and width of the area to be vacated;

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 10/5/2007.

Resolution 2007R-516, vacating the City easements in Elliot Ave between 25th St E and 26th St E, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-516
By Schiff

Vacating the City easements in Elliot Avenue between 25th Street East and 26th Street East (#1526).

Resolved by The City Council of The City of Minneapolis:

That all of the Drainage & Utility Easement as reserved in vacated Elliot Avenue, to wit; the West 20 feet of the East half and the East 25 feet of the West half of vacated Elliot Avenue, between the extension of the South line of 25th Street East and the extension of the north line of 26th Street East; all according to the City Council Resolution dated July 25, 1975, and the plat of John B. Jackson's Addition to the City of Minneapolis, on file and of record at the Hennepin County Records office, Minneapolis, Minnesota is hereby vacated.

Adopted 10/5/2007.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of November, 2007, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 10/5/2007.

Johnson moved to request that Mayor Rybak call a Special Meeting of the Minneapolis City Council for November 7, 2007 for the purpose of holding a joint meeting and conducting a joint public hearing with the Minneapolis Library Board at 6:00 p.m., to be held at the Minneapolis Central Library, 300 Nicollet Mall, Minneapolis, for the purpose of considering the merger of the Minneapolis Public Library and the Hennepin County library system. Seconded.

Adopted 10/5/2007.

By unanimous consent, Samuels introduced the subject matter of an ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (defining terms, requirements, fees and fines for dangerous and potentially dangerous animals).

RESOLUTIONS

Resolution 2007R-517, Observing Domestic Violence Awareness Month, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-517

**By Colvin Roy, Ostrow, Gordon, Hofstede, Johnson, Samuels,
Lilligren, Goodman, Glidden, Schiff, Remington, Benson and Hodges**

Observing Domestic Violence Awareness Month.

Whereas, in the United States a woman is the victim of domestic violence every nine seconds; and
Whereas, half of all women in this country are abused at least once in their lifetime; and
Whereas, women daily seek emergency medical assistance because of domestic violence; and
Whereas, in 2006, the City of Minneapolis received 19,937 domestic-related 911 emergency calls;
and

Whereas, the Minneapolis-Hennepin County Homeless Task Force found that more than half of the homeless families were forced out of their homes by domestic violence; and

Whereas, domestic violence ravages our community; and

Whereas, every person in Minneapolis should feel safe and secure from violence, threats, and abusive behavior; and

Whereas, the City of Minneapolis is committed to reducing violence in our homes, as well as on our streets; and

Whereas, October is Domestic Violence Awareness month;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis reaffirms its commitment to helping victims of domestic violence feel safe and secure in our city and to ensuring that domestic crimes are vigorously prosecuted and domestic abusers are held accountable.

Adopted 10/5/2007.

Absent - Schiff.

Resolution 2007R-518, Honoring The Minnesota Network of Latinos in Higher Education, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-518

**By Schiff, Ostrow, Gordon, Hofstede, Johnson, Samuels,
Lilligren, Goodman, Glidden, Remington, Benson, Colvin Roy and Hodges**

Honoring The Minnesota Network of Latinos in Higher Education.

Whereas, The Latino population is one of the fastest growing in the United States; and
Whereas, The Latino population in Minneapolis represents 7.6% of the entire population in the City,
and

Whereas, higher education is a vehicle to achieve personal and community development; and

Whereas, only 13 percent of Latinos in Minnesota hold bachelor's degrees; and

Whereas, the Minnesota Network of Latinos in Higher Education can offer the academic and organizational support necessary to improve retention and success of Latinos in higher education; and

Whereas, The Minnesota Network of Latinos in Higher Education is holding its first conference "Adelante Minnesotanos: Creating the Foundation to our Future" at the University of Minnesota Twin Cities on Friday October 12th, 2007 at 3pm until 9pm and Saturday October 13th, 2007 from 8am to 4pm; and

Whereas, the City's recognition of this event underscores its determination to support, preserve and advocate the civil rights guaranteed to all its residents;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That October 12 and 13, 2007 to be proclaimed as Adelante Minnesotanos weekend in The City of Minneapolis.

Adopted 10/5/2007.

Absent - Schiff.

Resolution 2007R-519, the "Jolstad/Eickstadt Resolution for safe, speedy, and sustainable bridge reconstruction", was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-519

By Colvin Roy, Johnson, Lilligren, Glidden, Benson and Hodges

Jolstad/Eickstadt Resolution for safe, speedy, and sustainable bridge reconstruction.

Whereas, the I-35W Bridge collapse was a tragic event that resulted in the loss of thirteen innocent lives and hundreds of serious injuries; and

Whereas, Operating Engineers Local 49 Member Greg Jolstad was killed during the collapse while working on resurfacing the bridge; and

Whereas, Teamsters Member Paul Eickstadt died in the collapse while driving a Taystee Bakery truck; and

Whereas, the City of Minneapolis, the Minneapolis Building Trades Council, and the Minneapolis Central Labor Union Council understand the urgency of bridge reconstruction for Twin Cities residents, commuters, and businesses; and

Whereas, bridge reconstruction must balance safety, speed and sustainability; and

Whereas, bridge reconstruction by design-build will mean an accelerated work schedule that requires round-the-clock shifts and uninterrupted supply deliveries; and

Whereas, it is in the interest of the City of Minneapolis, the State of Minnesota and the Federal government to protect against further loss of life during bridge reconstruction and to promote re-building that benefits communities whose economies suffered as a result of the collapse;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council urges MnDOT to arrange for the presence of an Independent Construction Safety Officer on-site at all times during the reconstruction of the I-35W Bridge, and that the officers, in order to be effective, must have the authority to halt work if they believe there is an imminent threat to the health or safety of anyone on or near the construction.

Be It Further Resolved that the Minneapolis City Council urges the use of instate, unionized suppliers to provide materials for bridge reconstruction to the fullest extent practicable.

Adopted 10/5/2007.

Absent - Schiff.

Resolution 2007R-520, Honoring Criminal Justice Month in Minnesota, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-520

**By Glidden, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren,
Goodman, Schiff, Remington, Benson, Colvin Roy and Hodges**

Honoring Criminal Justice Month in Minnesota.

Whereas, an estimated 14,500 offenders from the Hennepin County Workhouse, Minnesota State Correctional Facilities and Federal Penitentiaries will be released in 2007, and

Whereas, the Minneapolis Police Department and The Greater Minneapolis Council of Churches are co-sponsors of October as Criminal Justice Month, and

Whereas, this unique partnership between the Minneapolis Police Department and the Greater Minneapolis Council of Churches has resulted in the recruitment and training of over 221 individuals from the faith community to increase public safety by mentoring adults and juveniles returning to our neighborhoods from correctional facilities, and

Whereas, with the support of their mentors, over three-quarters of the ex-offenders served have re-entered the community, and have built constructive lives which contribute positively to our neighborhoods, and

Whereas, this partnership was recently recognized as a national model by the International Association of Chiefs of Police and the United States Department of Justice,

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

Declares October to be Criminal Justice Month in the City of Minneapolis

And, enthusiastically joins forty-five groups and individuals (including judges, bishops, mayors, congregations, corrections departments, county attorneys, police departments, public defenders, the state public safety and faith and community service offices, and many organizations serving victims and ex-offenders) in co-sponsoring this important initiative.

Adopted 10/5/2007.

Absent - Schiff.

Resolution 2007R-521, Recognizing the Impressive Service of the Navy Divers during the Recovery Efforts Stemming from the Collapse of the I-35W Bridge, was adopted 10/5/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-521

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren,
Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges.**

**Recognizing the Impressive Service of the Navy Divers during the Recovery Efforts
Stemming from the Collapse of the I-35W Bridge.**

Whereas, the sustained rescue and recovery efforts by police and firefighters in the aftermath of the August 1, 2007, I-35W bridge collapse had left local rescue teams exhausted; and

Whereas, the conditions in the Mississippi River at the collapse site were unstable with nearly nonexistent visibility and dangerous currents; and

Whereas, Minneapolis Police Chief Timothy Dolan asked President George Bush for assistance from the U.S. Navy Divers on Saturday, August 4, 2007; and

Whereas, divers responded without hesitation and were promptly providing the City of Minneapolis with exceptional expertise in our time of great need; and

Whereas, the Navy Divers were successful in recovering all remaining victims thus enabling their return to their families;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we thank the Navy Divers for sharing their exceptional skills in our time of great need, and we praise them for their heroism, sacrifice and compassion to our city and country.

Adopted 10/5/2007.

Absent - Schiff.

UNFINISHED BUSINESS

Comm Dev - Your Committee, having under consideration the redevelopment contract by and among the Minneapolis Community Development Agency (MCDA), St. Croix Partners, LLC, Hubbard Broadcasting, Inc and Space Center Enterprises, Inc for property in the vicinity of 3245 - 4th St SE and 3141 Eustis St SE, now recommends that the City of Minneapolis, as assignee of MCDA, formally terminate and release said redevelopment contract and related agreements, with the following conditions: a) The University of Minnesota (U of M) will fence and landscape the site consistent with City requirements for parking lots; b) The U of M will submit its plans for development of the site for regulatory review and approval under the City's zoning code.

Your Committee further directs City Attorney staff to research whether the subject property needs to be contiguous to the University of Minnesota campus in order to qualify for the constitutional exemption from local land use controls asserted by the University, as well as any existing formal opinions or court cases that may have dealt with issues of a land grant university as relates to regulatory processes.

Lilligren moved that the report be deleted. Seconded.

Adopted upon a voice vote 10/5/2007.

Absent - Schiff.

PS&RS - Your Committee, having under consideration the property located at 1539 E 26th St, and a recommendation from the Nuisance Condition Process Review Panel to stay the Director of Inspections' Order to Demolish the property to enter into a restoration agreement with the property owner to rehabilitate the property, now recommends that said property be sent forward without recommendation.

The report was postponed by unanimous consent 10/5/2007.

Absent - Schiff.

Lilligren moved to adjourn to Room 315 City Hall to consider the following lawsuits: a. 22nd Avenue Station v. City of Minneapolis; and b. Willard B. Shapira, Karen Loibl, and Ulric C. Scott III on behalf of themselves and all others similarly situated v. The City of Minneapolis, and the State of Minnesota, Department of Public Safety. Seconded.

Adopted upon a voice vote 10/5/2007.

Room 315 City Hall

Minneapolis, Minnesota

October 5, 2007 - 1:10 p.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Colvin Roy, Remington, Benson, Samuels, Gordon, Ostrow, President Johnson.

Absent - Council Members Schiff, Lilligren, Glidden, Goodman, Hodges, Hofstede.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters of 22nd Avenue Station v. City of Minneapolis; and Willard B. Shapira, Karen Loibl, and Ulric C. Scott III on behalf of themselves and all others similarly situated vs. The City of Minneapolis, and the State of Minnesota, Department of Public Safety.

OCTOBER 5, 2007

At 1:11 p.m., Samuels moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent – Council Members Schiff, Lilligren, Glidden, Goodman, Hodges, Hofstede.

Present - Council Members Colvin Roy, Glidden (in at 1:12 p.m.), Remington, Benson, Goodman (in at 1:12 p.m.), Hodges (in at 1:11 p.m.), Samuels, Gordon (out at 1:40 p.m.), Hofstede (in at 1:19 p.m.), Ostrow, President Johnson.

Absent – Council Members Schiff, Lilligren.

Also Present - Peter Ginder, Deputy City Attorney; Frank Reed (out at 1:46 p.m.), Lisa Needham, Mary Ellen Heng and Jim Moore, Assistant City Attorneys; Tina Smith, Mayor's Office; Steve Poor (in at 1:39 p.m.), Department of Community Planning & Economic Development-Zoning-Planning; Merry Keefe, City Clerk; and Irene Kasper, City Clerk's Office.

Reed and Moore summarized the matter of 22nd Avenue Station v. City of Minneapolis from 1:12 p.m. to 1:44 p.m.

Moore, Heng and Needham summarized the matter of Willard B. Shapira, Karen Loibl, and Ulric C. Scott III on behalf of themselves and all others similarly situated vs. The City of Minneapolis, and the State of Minnesota, Department of Public Safety from 1:45 p.m. to 1:59 p.m.

At 2:00 p.m., Hodges moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent – Schiff, Lilligren, Gordon.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Colvin Roy moved to adjourn. Seconded.

Adopted upon a voice vote 10/5/2007.

Absent - Schiff, Lilligren, Gordon.

Merry Keefe,
City Clerk.

Unofficial Posting: 10/10/2007
Official Posting: 10/12/2007